

Youth Engagement in Custodial Programming:

Why It Matters and Why We Should Care

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Dedication

To my partner Tracy. You are my superhero bracelet.

Abstract

There has been a tremendous amount of research that has been done into the characteristics of programming that reduce the chances of recidivism. However, there has been limited research into how youth experience that programming or how we achieve sustained and meaningful youth engagement in that programming, particularly for youth who are serving custodial dispositions. Using the lens of critical pedagogy, this study analyses interviews held with four focus groups involving 16 youth in custody. Youth identified what they felt was important, both in program content and in program delivery and implementation. The findings suggest that programs need to be developed and delivered through meaningful engagement with youth, within the context of youth's individual experiences, and that the content of programs needs to be situated meaningfully within the lived realities of youth who find themselves in custody.

Keywords: Youth Justice, Engagement, Custodial Programming, Youth Criminal Justice Act (YCJA), Sentencing

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PROLOGUE

A story

He had skipped school that day and walked a mile to one of the hotels on ‘the strip’ in the city. He purposefully went up to the pool level, into the pool area, and while the man swam, stole \$100 from his pants, which were lying on a lawn chair on the pool deck; he then left. The owner of the pants soon realized what had happened, called security and police arrested Tommy¹ as he was walking on the street away from the hotel. Tommy was 12 years old.

In 2000, an inspector asked me what turned out to be a very profound question. I had been a police officer for 10 years at that point and had done various assignments. At the time, however, I was having a crisis of confidence – not my first. We were having a conversation about experiences and different opportunities, and the inspector asked me: “What do you want to do? What are you interested in?” I am guessing that the question was more related to what unit I was interested in working in, however, in my mind, it left me asking myself about my real interest. What was I passionate about? This 15-minute conversation would change my career and ultimately my life path. I was forced to really think about my future as a police officer and what I wanted that to look like.

I share this context because what followed was a series of “domino experiences” based on my answer. My passion was working with youth. I loved everything about it, and yet had no formal training. Our police service, like many, had no formal youth program, and at the time I really did not understand the reason why. The answer to both

¹ The name has been changed to protect ‘Tommy’s’ real identity.

whys came to me later. Although the justice system and policing, in theory, distinguish between adult and youth offending, it is my experience in practice that neither takes into consideration the importance of a youth's story, of them being heard and understood. Yet it was my experience that understanding '*the why*' of a youth coming to the attention of police was critical to understanding '*the what*' to do next.

I felt we, as adults, often misunderstand 'youth', 'kids', 'offenders', and 'students' – why they did things and what their experiences were. We treated them like little adults, expected them to understand things as we understood them, yet planned and controlled everything they did (i.e. dress codes, adult driven school rules, rigid parenting practices). We gave them the words to say, rather than supporting them in writing their own scripts. As well-known parenting expert Barbara Coloroso (1994) writes, we teach kids what to think, rather than how to think.

Tommy Was My Teacher

Several years after my epiphany, I was very lucky to have the opportunity to create a new position within our police service, which became known as the Youth Justice Co-ordinator. One of my responsibilities was to implement, on a practical level, the changes brought about by the new youth legislation, *The Youth Criminal Justice Act* (YCJA) (Government of Canada, 2002). This legislation forced police to think about using (diversionary) measures as a first response, rather than charges, when youth offended. It was through this program that I met Tommy.

I had just developed the process for our pre-charge program, known as the *Extrajudicial Measures Referral Program*, for our police service. The police officer who

responded to Tommy's case believed he could be held accountable through this pre-charge section of the Act (section 6 YCJA). Tommy was given a referral, which meant that we, as police, were to have him participate in something that would hold him accountable for his 'offending behaviour' and assist him in not committing further offences. A colleague (not a police officer) and I met Tommy, his mother, a child protection worker, and the principal at Tommy's elementary school. We learned that Tommy was new to the area, that he was a good student academically, but that there were many things which were impacting his success, including past domestic violence within his home and a number of school changes. Tommy was in grade 7 and had changed schools 13 times. Tommy was also a boy of colour. I reference Tommy's race, not because it *should* equate to different experiences or life stories than a boy who is white, but because it *did* make a difference, as I will discuss further. During that meeting at the school *we decided that what would be most helpful* would be for Tommy to attend school regularly. As the literature consistently shows, school attachment is a key protective factor (Hawkins, et al., 2000; Sprott, Jenkins, & Doob, 2005). In Tommy's case, although it was early in the school year, he had already missed a significant number of days of school. If Tommy didn't attend regularly, we would not consider him to have completed his extrajudicial measure successfully and he would be charged.

Tommy's story has haunted me ever since. I believed I understood enough to say that writing a letter of apology, a typical measure, was not going to assist Tommy. My fear was that if Tommy was charged, he would fall into the justice abyss, unable to abide by the conditions a court would likely impose through a judicial interim release or probation order, he would then be charged and released again with more conditions,

setting up a vicious cycle. I had already seen this happen more often than not. I believed if Tommy could become connected to his school, peers and the adults in his life, even one caring adult, he would be less likely to skip school or commit another offence. That was our rationale. I spent several hours over several weeks speaking with Tommy's mother and other adults in order to support him in attending school. But I did not speak with Tommy again, in part because he was not at home or at school when I visited. But more importantly, ultimately, I really had not made a point of including him in the process of decision-making. Tommy continued to skip school regularly. The program was new and we felt officers needed to have confidence that there was a consequence if the measure was not fulfilled. In this case, Tommy was charged and I supported that decision. Maybe at the time, I still felt that the system could support Tommy, although I recognized this was not an ideal outcome.

I often wonder what happened to Tommy. I fear that he fell into the cycle that *the system* sets up, and that we, as 'professionals', participate in. But I do not know. What I do know is that I had asked Tommy to do something that he just was not capable of doing. I had asked him to, once again, connect to a school and to the people in that school, despite having changed schools on average twice per school year since kindergarten. I had not spent time with Tommy to understand what his life was like, to understand what led to his 'offending', or how he felt we could support him. I had not taken the time to understand his story.

Responding to crime committed by young persons, and subsequently reducing the chances of recidivism and increasing the chances of rehabilitation, have proven to be complex issues, both in principle and process. Much has been researched and written

about why young people engage in offending (Brown, 2005; Curling & McMurtry, 2008; Farrington, 1996a; Farrington, 1996b; Hawkins, et al., 2000; Jenson, 2010; Tremblay, 2002; Yessine, 2011), and what program characteristics are important to reduce re-offending behaviour (Bourgon, Bonta, Rugge, Scott, & Yessine, 2009; Curling & McMurtry, 2008; Dowden & Andrews, 2004; Leschied, 2000; Lipsey & Wilson, 1998; Lipsey, 1995; Loeber & Farrington, 2001; McGuire, 2002; Pearson, Lipton, Cleland, & Yee, 2002). But little research exists about what *keeps youth engaged* in that programming (Prior & Mason, 2008; Prior & Mason, 2010; Whyte, 2004). It is my belief that in order to succeed with youth, we must understand what led to the offending. It is the knowledge we gain from them that assists us in building effective interventions responses and interventions that not only take these factors into account, but also ask youth what they think.

Rationale of the Current Study

This study seeks to investigate two main questions. First, what are some of the challenges and needs reported by youth who are in custody? Second, what factors do youth report are important to include in therapeutic programming while in custody in order to increase their engagement (e.g., what's good, what's missing and what we can do better)? In the following pages I will explore these issues through the lens of critical pedagogy, which I suggest allows us to examine issues of offending and custodial programming in a way that puts the voices of youth at the forefront.

For the purposes of this study, the following definition of engagement was used:

Engagement' suggests a set of objectives around developing young people's personal motivation and commitment to involvement in activities. It implies that passive involvement is not enough – for example, if a young person attends and takes part in a prescribed programme of activities but does not feel any commitment to the objectives of the programme and is not motivated to benefit, through learning or personal development, from the programme activities, then they are not 'engaged' and the programme is unlikely to be successful. (Prior & Mason, 2008, p. 12)

CHAPTER 1:

INTRODUCTION

In order to understand the objectives of programming in custody, it is important to examine the ways in which youth have been conceptualized and its relationship to youth criminal justice law. This chapter will include five main sections: 1) Conceptualizations of Youth, 2) The Historical Contexts of Youth and the Law in Canada, 3) Current Law-The Youth Criminal Justice Act (YCJA), 4) Situating Youth Justice, 5) Theoretical Framework.

Conceptualizations of Youth

Men who look on nature, and their fellow-men, and cry that all is dark and gloomy, are in the right; but the sombre colours are reflections from their own jaundiced eyes and hearts. The real hues are delicate, and need a clearer vision.

Oliver Twist (Dickens, 2002)

Constructs of what it means to be a child or youth have been influenced over time by many things: industrialization, economy changes, and discussions about class, culture and geography, among others (Brown, 2005). Historians such as Philippe Aries (1962) have suggested that the concept of childhood did not exist in the Medieval World and that there was no construct of childhood; children were considered adults in small bodies in terms of their contributions to the communities in which they lived. However, Aries has come under sharp criticism for the manner in which he reached these conclusions, basing them on analyzing visual art, styles of dress and language (see Hendrick, 1990 for a

summary). Historians of the nineteenth and twentieth centuries have conceptualized childhood as a continuing ‘transformation or reconstruction’, influenced by factors including notions of class, child-labour legislation in the 1830s, the re-thinking of juvenile delinquency in the 1850s, and the beginnings of the Child-Study movement in the 1890s (Brown, 2005; Hendrick, 1990). Authors, including Brown (2005), challenge us to think about the various constructs of childhood over time: “Childhood may be identified as reflecting the social conditions of the time, rather than as natural or intrinsic qualities of a Universal State of Childhood” (p. 9).

The Historical Contexts of Youth and the Law in Canada

It is within this context that youth justice evolved. While the legal control of children is part of Canada’s history, it was not until the late 1800’s that we saw separate legislation unique to them. Over the next several centuries, various federal and provincial statutes have been introduced which have addressed juvenile offending separately from adult offending (see the International Collaboration Group, 2004, for full summary). The evolution of youth justice in Canada highlights the relationship between how youth were (are) conceptualized and the development of laws to address their offending behaviour.

Canada’s first piece of legislation which began to completely separate treatment of adult and ‘juvenile’ offenders was the *Act Respecting Arrest, Trial and Imprisonment of Youthful Offenders* of 1894 (S.C., 1894, v.1, c.58). This Act was soon replaced in 1908 with the *Juvenile Delinquents Act* (JDA) (R.S., c. 160, s. 1). Youth crime (minimum age of 7 years) under this Act was responded to within a social welfare approach, grounded in the idea that “every juvenile delinquent shall be treated, not as a criminal, but as a

misdirected and misguided child"(JDA) (R.S., c. 160, s. 1). Interventions were developed and based on the concept of '*parens patriae*', holding that the State could/should intervene as a 'kindly parent' in situations where a family could not adequately provide for their child.² The legislation also directed the establishment of separate courts for youth. Children over the age of 14 years, and accused of an indictable offence (e.g. murder or treason), were to be transferred to ordinary (adult) courts. This two tier sentencing system continues today through adult sentencing provisions.³ The JDA became the foundation of the juvenile justice system for the next three-quarters of a century (The International Cooperation Group, 2004). However, problems with implementation, disproportionate interventions, uniformity (i.e. dependent on resources or geography) became more and more apparent and began to form important parts of the discourse of how society can best respond to the issue of youth 'who offend'. Furthermore, there was limited due process and the courts, given their legal ability under this legislation, were often far too intrusive in a youth's life (Caputo & Vallée, 2008).

The early 1970s saw 'labelling theory' and the 'de-institutionalization' movement lead to an increase in the use of diversion and community alternatives (Caputo & Vallée, 2008). However, by mid-decade, the idea that "nothing works" (see Martinson, 1974)

² It is worth noting that the YCJA specifically legislates against this approach today. Under Section 29(1) YCJA, a young person must not be detained in custody before sentencing as a substitute for appropriate child protection, mental health or other social measures and section 39(5) YCJA: Custodial sentences may not be used as a substitute for appropriate child protection, mental health or other social measures.

³ The YCJA applies adult sentencing provisions under subsection 64 (1): The Attorney General may, before evidence is called as to sentence or, if no evidence is called, before submissions are made as to sentence, make an application to the youth justice court for an order that a young person is liable to an adult sentence if the young person is or has been found guilty of an offence for which an adult is liable to imprisonment for a term of more than two years and that was committed after the young person attained the age of 14 years.

took hold and a ‘just deserts’ approach to justice gained favour (see von Hirsch, 1976). Where the “treatment” model of punishment is concerned with preventing future offences, and emphasizes rehabilitation in an effort to reduce recidivism (Barton, 2004), the ‘just deserts’ theory of sentencing is based in the idea of a fair, proportionate and appropriate response and punishment. ‘Just deserts’ is also at times referred to as the retributive model of sentencing. In other words, one should be punished for committing the illegal act, and the severity of the punishment should match the severity of the crime. Finally, offenders who commit similar crimes should be punished similarly. This debate, treatment and rehabilitation verses retribution and punishment, meant that there was a push at this time in Canada, and in many parts of the World, to enact new legislation as it related to youth who offend.

In 1981, Bill C-61, the *Young Offenders Act* (YOA) (R.S.C. 1985, c. Y-1) was introduced. This occurred at the same time that the *Canadian Charter of Rights and Freedoms* (Canadian Charter, 1982, s 6(2)(b)) was being enacted and there was a growing recognition that these two documents must not be incongruent with each other (The International Cooperation Group, 2004; Caputo & Vallée, 2008). One of the main philosophical changes in the YOA from the previous JDA was the move to recognize young people as persons, with rights unto themselves, moving away from the completely paternalistic approach of the previous legislation and practice. In addition, the Act also contained a significant change in terms of age, raising the minimum age of responsibility to 12 and a new maximum age (for the youth justice system) to 17 years. The shift in age signified the belief that young people under the age of 12 years did not have the capacity to be criminally responsible.

The YOA became law in 1984 and increased with it the number of sentencing options available to courts (The International Cooperation Group, 2004). Although the intent of the Act was to provide a more consistent and balanced approach to youth who offend, the Act again faced challenges in implementation. Although federal, the implementation of the Act and the system of justice as outlined were the responsibility of the Provinces. Custodial facilities, policing, social services, were all provincially run and funded. Not only did the Act suffer from a lack of consistency in terms of implementation, but a public rhetoric developed that youth crime was ‘out of control’ and that youth faced few consequences for their offending (Doob, Marinos, & Varma, 1995). A growing and vocal demand for ‘harsher penalties’, for a ‘get tough on crime’ approach took root. It is important to note that these ‘fears’ mirrored the earlier debates around youth offending. The difference at this time, however, was that research was clearly showing what factors contributed to offending and what approaches to rehabilitation could reduce recidivism, yet, public discourse did not include those conversations. Political expediency to win elections, playing on the public’s fears of victimization and desire for punitive sanctions, overrode the voices of researchers and those who worked with young people. Ultimately, public and political dissatisfaction with the YOA led to a number of amendments, again resulting in a far more punitive response to youth who offended, including those who committed less serious offences (i.e.. Shoplifting). Despite the Act’s intention of allowing more discretion and options, including those that did not involve sending youth through the formal court process, the result was that by 2002, Canada had the highest youth incarceration rate (per capita) in the Western World (Doob & Cesaroni, 2004).

The Current Youth Criminal Justice Act (YCJA)

Within the context of the continuing debate between the ‘just deserts’ philosophy of response and the more therapeutic approach to intervention and recidivism, in 1995 the federal government again began to look at the youth justice system (The International Cooperation Group, 2004; Caputo & Vallée, 2008). A 1997 report outlined a blueprint for reform, focusing on three areas: youth crime prevention, meaningful consequences, and rehabilitation and reintegration of young persons who committed offences. After several versions of the new legislation were debated and amended, *The Youth Criminal Justice Act* (YCJA) (S.C. 2002, c.1) came into force on April 1, 2003. The objectives of the new Act included to: enhance consistency across Canada, hold youth accountable for their actions in a fair and proportionate way, give youth ‘meaningful’ consequences, involve victims in the process in a way that felt restorative, and use custody for the most serious offences, all within the context of public safety (Doob & Cesaroni, 2004). Under the YCJA, youth are conceptualized as having capacity and culpability when committing offences, and viewed as being able to be held accountable through various ways in the justice system. However their level of responsibility is seen as less than an adult. At the same time, youth are conceived as having the potential to benefit and change as a result of rehabilitative responses under the YCJA, all within the limits of proportionality.

Under the YCJA, youth between the ages of 12 and 17 years (inclusive) can be charged and convicted of various federal offences, including ones against the Criminal Code of Canada (R.S.C. 1985, c.46). The Act recognizes youths’ rights in its Preamble, including their rights under *the United Nation’s Convention on the Rights of the Child* (CRC, United Nations General Assembly, 1989) to which Canada is a signatory. Under

the Convention, Canada has an obligation to ensure that Articles 37 (detention and punishment), 12 (respecting the views of the child) and 40 (right to legal help and fair treatment within the juvenile justice system) are adhered to when youth enter Canada's justice system (CRC, United Nations General Assembly, 1989; S.C. 2002. c. 1). For the purposes of this study, Article 12 is of particular relevance:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

The YCJA further recognizes in statute the importance of rehabilitation, of availability of programming and of including community in responding to youth who offend, encouraging participation of parents/caregivers, social service agencies, schools and others in the response to this offending (this is different than the social conditions, however, that may have impacted the youth's offending). Section 38 of the YCJA lays out the purpose and principles that must guide any sentence imposed:

38 (1) The purpose of sentencing under section 42 (youth sentences) is to hold a young person accountable for an offence through the imposition of just sanctions that have meaningful consequences for the young person and that promote his or her rehabilitation and reintegration into society, thereby contributing to the long-term protection of the public.

There are more specific sentencing principles that flow from this broader purpose of sentencing which include that a court that imposes a youth sentence on a young person shall determine the sentence in accordance with the principles set out in section 3 (i.e. protection of the public, a separate system from adults, diminished blameworthiness or culpability, fair and proportionate accountability). The Act goes on to specify other important principles, including that the sentence is proportionate to the seriousness of the offence and the degree of responsibility, and that all available sanctions other than custody that are reasonable have been considered (Youth Criminal Justice Act, S.38 (2)).

Specific to the concept of rehabilitation, section 83 of the Act states that the purpose of custody is to contribute to the protection of society by “assisting young persons to be rehabilitated and reintegrated into the community as law-abiding citizens, by providing effective programs to young persons in custody and while under supervision in the community” (sub-section 83(1)(b) YCJA). Section 83(2) goes on to state in part, that, in addition to the overall principles set out in section 3 of the Act, that the principle of using “the least restrictive measures consistent with the protection of the public, of personnel working with young persons and of young persons be used” (section 83(2)(a) of the YCJA).

Furthermore, the Act contains specific provisions meant to ensure that custodial sentences are only used in situations where young people have been found guilty of committing serious, usually violent, offences, and/or have repeatedly failed to comply with non-custodial sentences (sub-section 39 (1)).

In other words, the length and onerousness of a custodial sentence or a rehabilitative program must always be limited by the seriousness of the offence (Anand, 2003). It is in this concept of ‘rehabilitation’ that programming, and therefore engagement in programming, becomes so critical and although the Act contains specific requirements to consider ‘rehabilitation’ and ‘re-integration’ of youth, a meaningful process for youth input into these practices has not been included in the Act. It is within this context that this study looks at programming delivered to youth in custody.

It is important to note that although it is this federal legislation that governs the manner in which youth are processed through the justice system, it remains that it is the Provinces that govern the manner in which the Act is implemented.

Situating Youth Justice

Taking the above into consideration, conceptions of childhood therefore are not static, either historically, culturally or geographically. They are ever evolving, and often appear paradoxical. On the one hand, youth are conceptualized as ‘trouble makers’ that need to be ‘straightened out’ by adults, and on the other hand, they are viewed as children who need care-taking. Yet, I submit it is a youth’s own agency that is what leads them to engage in any ‘intervention’, and to its ultimate success (Brown, 2005; Smith, 2009; Winterdyk & Smandych, 2016).

The literature identifies that in order to achieve positive outcomes from programming, youth must be engaged in the intervention as it is designed (Leschied, 2000; Lipsey, 1995; Lipsey, Cahpman, & Landenberger, 2001; Loeber & Farrington, 2001; McGuire, 2002), and therefore, we must use strategies that will engage youth and

have relevance to their lives (McGuire, Kinderman, & Hughes, 2002; Prior & Mason, 2010). A 2011 meta-analysis of 114 studies of attrition from treatment found that those considered at the highest risk to reoffend were the most likely not to complete the programming provided, which has serious implications for both the individual youth, but also potentially public safety (Olver, Stockdale, & Wormith, 2011). So how do we ensure retention to programming, and what do youth tell us about engagement? Examining these questions through the lens of critical theory provides us with a unique opportunity to make sense of these questions.

Theoretical Framework

It is absolutely essential that the oppressed participate in the revolutionary process with an increasingly critical awareness of their role as subjects of the transformation. (Freire, 1970)

As outlined above, in practice, at least as it relates to public policy and criminal law when it involves youth, we have viewed them as inferior to adults and seem to have adopted what Bourdieu (1991) referred to as the ‘oracle effect’ or ‘usurpatory ventriloquism’ (Bessant, 2005). This is reflected in how our youth justice system has evolved over time. As adults we imagine what children/youth should or do want, we ascribe to them what they should or do need, and we embed this in the way we think about issues they face. For example, rather than seeing youth who have endured economic hardship as having experienced serious disadvantage, as a social injustice that creates harm, possibly leading to future negative consequences – the first ‘domino’ that may knock over all the others – we often minimize that struggle and challenge, we

encourage youth to get a job, perhaps even believing that their experience will be character-building, a way for them to appreciate the value of money (Bessant, 2005). One of the issues with this kind of framing is that it removes adults and adult-led institutions from responsibility for the forms of victimization and injustice youth may experience. In turn, it allows a shift in responsibility to individuals and individual choice, rather than ensuring we remain mindful of our collective responsibility as a society.

Examining these issues through the lens of critical theory, and more specifically, critical pedagogy, provides an avenue to understand why we should care about engagement in the broader context of how we respond to offending. Critical theory stems from the work, beginning in the late 1930s of theorists including Max Horkheimer, Theodore Adorno and Herbert Marcuse of the Frankfurt school, connected to the Institute of Social research at the University of Frankfurt (Bohman, 2015). According to these theorists, the difference between a “critical” theory and a “traditional” theory is its specific practical purpose. Critical theory focuses us on identifying, understanding, *and then addressing* factors that may lead to oppression and that limit human freedom. Using Critical Theory requires that we examine how we have constructed knowledge and experience, and how we have arrived at understanding what we (society) believe as ‘truth’. Taking this approach then gives us a way of examining how those ‘truths’ were constructed within relations of power, and within social and historical contexts (Kincheloe & McLaren, 2002). Importantly, this examination occurs through an interdisciplinary lens, including through philosophy and the social sciences: “explanation and understanding, structure and agency, regularity and normativity” with the goal of “human emancipation ” (Bohman, 2015). Finally, examining anything through this lens

helps us begin to understand how those ‘truths’ and ‘experiences’ cannot be separated from considerations including gender, class, or race and provides us with opportunities to look at the role of human agency (Kincheloe & McLaren, 2003).

Using a critical lens sheds light on the various implications of social hierarchies, including how the justice system itself contributes to, and reinforces, inequalities based upon age, class, gender, race, sexuality and ability (Hogeveen & Minaker, 2012). Structural conditions that contribute to the marginalization of youth, for example, ones based in race, have been well documented within critical criminological literature. This is evidenced by the fact that Aboriginal and black youth are found in disproportionate numbers at every stage of the justice system including arrest, detention and custody (Campbell, 2005). Critical criminologists see interventions to “rehabilitate” youth, as another form of positivism that is focused on individualist factors and individual responsibility.

Flowing from critical theory, critical pedagogy is a philosophy of education that locates individuals as knowledge holders and agents for change, as active participants, and not as passive recipients (Freire, 1970; Giroux, 2006). Grounding the current study in critical pedagogy allows for a richer understanding of what youth have said about how they experience custodial programming, and allows for a more reflective assessment and critique of society and culture as it relates to those experiences. Ultimately it provides us with an opportunity to consider the programming provided to youth in custody contextualized in youths’ own voices and opinions. This is critical if we are to understand issues of engagement. Furthermore, using critical pedagogy “...signals how questions of audience, voice, power, and evaluation actively work to construct particular

relations between teachers and students, institutions and society, and classrooms and communities.” (Giroux, 1994, p. 30). If our goal is to reduce a youths’ offending behaviour, then we must understand how they make sense of that behaviour – and also the factors that influenced their behaviour and their social contexts (i.e. poverty, victimization, institutional practices, racism). Only then can we begin to understand what programming and intervention(s) may be meaningful.

In minimizing, negating, or turning a blind eye to experiences of childhood which include growing up in poverty, or experiencing victimization, adults are then able to remove themselves from any responsibility for the impact those experiences have on a child. Adult and adult-led institutions are not responsible, therefore, either singularly or collectively, for how those experiences may impact a child’s behaviours and choices as they mature, and potentially end up intersecting with the youth justice system. As Campbell (2005) writes:

Is it possible to have a mitigated faith in rehabilitation per se, without ascribing to a purely positivist ideology? Perhaps the more important questions and answers lie in how we define rehabilitation and what our expectations are with respect to interventions for young persons who commit crimes. It is possible to believe that many youth are victims first and offenders second. It is also possible to believe that we have a responsibility in Canadian society, which professes to care about issues of social justice, to provide young persons who commit crimes with the means to get past their troubles. (p. 279)

Campbell's question is an important one. A major risk factor for youth engaging in crime is prior victimization (Craig, Schuman, Petrunka, Khan, & Peters, 2011; Curling & McMurtry, 2008; Flouri, Tzavidis, & Kallis, 2010; Tremblay, 2002). Yet we seem to be able to have compassion for a 10 year old child who is abused, but less so for that child when he is 12 years old and abuses (i.e., bullies) someone else. It is here where I believe we lose our understanding as individuals, as professionals, as systems, for the interaction of experience, knowledge and action. And it is here that that *malignant positioning* begins to take shape, and begins to frame that child negatively as a bully example (Parrot, 2003). In order to challenge this positioning, we must listen to that 12 year old, understand his story and engage *with* him to be helpful. Otherwise we will likely set up a cycle of more and more oppression, of more labelling, of more cause and effect, punishment and anger; that child's emotional experiences and perspectives become viewed more and more as illegitimate, and his identity becomes defined by his needs and what are seen as his deficits, rather than by his strengths (Parrot, 2003; Polvere, 2014). As Polvere (2014) writes,

Narratives also provide a method for analysing dynamics of power and positioning in the relational sphere. Narratives are a tool for studying complex social dynamics, as they highlight 'multiple voices and contested positions', and the manner in which youth uniquely make sense of and respond to interactions and relationships (p. 184).

It is important to note as well that youth sentenced to custody are further stigmatized and marginalised, further undermining their voices, perspectives and knowledge; they are further *malignantly positioned*. In the western justice system, we

often speak about youth who have engaged in ‘offending behaviour’ as ‘young offenders’. We position them as other. We refer to these youth, particularly those who have received custodial dispositions, as ‘at risk’ for recidivism for example, or ‘a risk’ to public safety (Brown, 2005; see Stephens, 1995, for discussion). The state intervenes on the basis that it both needs to ‘punish’ the misbehaviour and ‘rehabilitate’ the offender, re-inforcing their marginalization, through the language we use and our methods of intervention, from the general category of youth. This then often ultimately leads to a denial of agency, to equal access to forms of power and resources, to a voice overall (Brown, 2005). This language again reinforces the individualized nature of our responses, and does not consider the collective responsibility we may share for what led to a youth’s involvement in the justice system.

Our discourses surrounding youth behaviour speak to the ways in which their capacities are then conceptualized. We allow ourselves to see children who commit offences, particularly violent ones, as vile or monstrous, such as the murder of two year old James Bulger in England in 1993 by two, ten year old boys (Lazzeri, 2013), or the killing of Lee Bonneau, age six, by an eleven year old boy in rural Saskatchewan, Canada (Platt, 2013). We allow ourselves to believe we share no responsibility and our response to these kinds of acts is to react to them with widespread moral panic, and to ask for more laws to protect us (Bala, 2013). The innocence and beauty of what we have constructed as childhood is shattered. As Sheila Brown writes, we have erroneously merged the social representation of childhood, with the discourse of what it means to be a child: “The demonic child implies the loss of the innocent child and is therefore a threat to adult notions of control and power” (Brown, 2005, p. 6)-

In addition to conceptions of childhood, it is important to consider society's conceptions of what it means to move into adulthood. Historically, Hall (1904) defined the period of adolescence as filled with storm and stress. He highlighted three key aspects associated with this time period: conflict with parents, mood disruptions, and risky behaviour (Hall, 1904). Although many have since criticized Hall's assertions as too simplistic and based only within a developmental framework, his assertions are still used in many ways as a foundation for understanding 'normal' adolescent behaviour. Current views recognize that storm and stress are not universal attributes of a youth's life, or if they appear, are not universally experienced, either in a developmental sense (age) or in intensity (experience). Tom Hollenstein and Jessica P. Lougheed, for example, argue that it is the combination of nature and nurture, of individual gene expression influenced by environment (epigenetics for example), of brain development (arousal verses regulation) that must all be considered when thinking about factors that influence youth (Hollenstein & Lougheed, 2013).

The concepts of childhood and developmental stages are not mutually exclusive. As Stetsenko and Arievitch (2004) state:

Perhaps more clearly than in any other field, the research on the self has witnessed a move away from the essentialist and context-independent notions of individual possessions (e.g. personality traits, attributes) toward viewing the self as being embedded within sociocultural contexts and intrinsically interwoven with them. (p. 1)

And it is the intersection of these concepts where I argue the challenge lies in providing programming for youth who engage in offending behaviours. In western society, as children age, the public discourse is that they become more *responsible* for their behaviour, and we expect them to ‘grow-up and take responsibility for their actions’. However, within youth criminal law we have no mechanism, other than the current sentencing process, to situate a youth’s offending within their broader social context and experiences. It is precisely at this time of ‘development’, when youth are moving beyond (chronologically) our social construction of what it means to be a child, to a stage where they are supposed to be more responsible for themselves, that justice-involved youth may be at an increased risk of being incarcerated. At a time when youth are expected to separate from their caregiver(s), to make decisions and choices, and to become more ‘adult’-like, youth who are sentenced to custody become least *agentive* in many ways. Their days, clothing, visits with loved ones and peer interactions, are limited and in large part, planned for them. Their ability to learn “life-skills” is centred within an institutional setting, not a natural one, and their ability to form relationships, including with peers (romantic and otherwise), is severely limited by dynamics of power and control. It is precisely in this space where the lens of critical pedagogy, examining custodial programming within the context of gender, class, race and dynamics of power, becomes so meaningful.

Research has found that the most effective interventions use meaningful youth involvement and peer influence (Collaborative Community Health Research Centre, 2002), and the YCJA recognizes youth as rights-bearing citizens (Goodwin-De Faria & Marinos, 2012). In addition, there has been some research conducted which reveals the

importance of examining the perspective of young people who are in conflict with the law, and understanding them as reliable informants of their experiences (Campbell, 2005; Danby & Farrell, 2004; Hogeveen & Minaker, 2012; Peterson-Badali, Ruck, & Koegl, 2001; Prior & Mason, 2010; Drake, Fergusson, & Briggs, 2014).

Yet previous research has found that within institutional contexts in particular, youth are seldom given a voice (LeFrancois, 2008; Polvere, 2011; Polvere, 2014). Even when we, as adults, talk about engaging youth, we are often referring to participation after the fact, inviting them to *their* party after all the decisions have been made (choice of music, venue, timeframe, dress code) and then often calling them ungrateful if they do not enjoy the dance that we have spent so much time and energy planning and putting on.

This is not to say that we have not spoken *to* youth. Youth have been asked to share their experiences at different times (Campbell, 2005; Cook & Finlay, 2007; Curling & McMurtry, 2008; Russell & Tustin, 2010). Most recently, Hyde, Marinos and Innocente (2016) found that when youth were asked for their views on the youth justice system's responses, youth reported that extrajudicial sanctions were meaningful when they involved what was important to them. In their study, youth identified family and their own time as important, and identified an extrajudicial sanction, for example, that involved counselling with a family member as being meaningful. Although asking youth for feedback is critical, and this form of dialogue should continue, it does not equate to engagement in programming.

In addition, while conceptualizing youth as rights-bearing citizens exists in law, it does not seem to be equated to actual power or control in practice. As Sheila Brown

(2005) writes, the rights of children and youth are often pitted against other rights and obligations (e.g. parental rights), and therefore in practice, these rights do not necessarily lead to agency. As an example, although youth can withdraw consent to share information when making health care decisions, the YCJA requires a youth's parent or guardian to be notified of any charges, regardless of the youth's wishes. Youth are seen as incapable, and/or perhaps untrustworthy to notify their parent, but are seen as completely competent, and therefore responsible and culpable for their actions which led to their involvement in the justice system. This binary of the *immature child* and the *competent adult* does not allow for valuing the capacity of children and youth as they age, and to begin to make sense of their experiences and the world around them within the context of their own lives (Winterdyk & Smandych, 2016).

Lastly, while other areas of law, such as in health care, education, and child welfare, there is a focus on children and youth as being in need of support in decision making, and often as not always yet being capable of making final decisions, within youth justice discourse, in the media and politically, the focus is almost exclusively on a youth's complete, and individual responsibility for his or her actions. This can be seen in the concept of adult sentencing provisions in the Act for what are considered to be serious violent offences (Brown, 2005; Winterdyk & Smandych, 2016). Despite recognizing them as youth, those 14 years and older can be sentenced to the equivalent of what an adult would receive for a similar offence. These adult sentencing provisions contradict the legislated recognition that youth should be treated differently than adults due to their age and development. These sentencing provisions seem to be about the notion of 'adult time for adult crime'. They run counter to what has proven effective in

reducing ‘youth crime’, i.e. therapeutic-based interventions rather than ones based in control (Lipsey, Howell, Kelly, Chapman, Carver, 2010; Lipsey & Wilson, 1998; Winterdyk & Smandych, 2016). In these cases, it would seem it becomes about the views we have about the crime, rather than the reality of a youth’s actual culpability or what will support reduction in recidivism.

Walking a Tight-Rope: Youth Service Officers, The Law & Relevant Policies

Youth custodial institutions face the challenge that they are expected to be equally social service organizations, educational systems and jails. The thinking is that if underlying a youth’s offending are issues of impulsivity or reactivity for example, then these issues must be part of what is addressed while a youth is in custody. However, as Henry Giroux states, critical pedagogy sees teaching as more than skill training. Critical pedagogy is connected to the acquisition of agency and sheds light on the relationship between knowledge, authority and power. He states: “It draws attention to questions concerning who has control over the conditions for the production of knowledge, values, and skills, and it illuminates how knowledge, identities, and authority are constructed within particular sets of social relations.” (Giroux, 2013 in an interview with Jose Tristan)

As mentioned earlier, the Act states that the purpose of sentencing, in addition to holding youth responsible for their behaviour, is to both rehabilitate and re-integrate them back into society. As cited earlier, Campbell (2005) points to the important balance between critical scholarship and interventions that can support youth. As she asks, can we

have faith in the concept of rehabilitation and still resist a purely positivist ideology (p. 279)?

In Ontario custody facilities are staffed with what are known as *Youth Service Officers*. Part of the role of a *Youth Service Officer (YSO)* is to:

.... perform a full range of duties related to the supervision and case management of youth on an assigned shift utilizing a relationship custody/cognitive learning behavioural approach; identify and participate in the provision of appropriate structured rehabilitative programs and services for a diverse population of youth; ensure the safety and security of youth, staff, youth centre and community.

(Russell & Tustin, 2010, p. 4)

Further, YSOs are mandated to work with youth within the framework of ‘relationship custody’, “a philosophy that encourages and empowers staff at all levels of the organization to foster a positive and professional relationship with youth in their care.” (Ministry of Children and Youth Services- Youth Justice Services Division, 2010)

As outlined in policy, the benefits of Relationship Custody include:

- Use of a relationship custody approach by frontline staff can support and enhance the authority / supervision / safety requirements of a custody / detention facility. In the short term, when staff use relationship custody to create a positive environment and maintain interactions with youth, they: Appropriately empower staff and youth; Create a safer overall environment; Provide a means to identify risk factors / situations and take measures to reduce them; and Have a means to change a youth’s negative

behaviour / choices in the facility. (In the longer term, changed attitudes & increased effective outcomes are improved by problem solving by youth).

- At a very basic level, relationship custody in a youth justice facility can be defined as the way that staff works with youth for the purpose of a safe environment and for rehabilitation and reintegration for the youth. Relationship custody does not happen once, twice or even three times during the shift; nor does it only happen when a youth is in a structured program. Rather it is about the constant and ongoing interaction between staff and youth in every situation, from intake to supervision on living units, to application of physical restraints (e.g. the interactions between staff and youth can either prevent or diffuse a negative situation or they can be used to reduce the risk of retaliation or escalation by youth following such things as physical restraints or peer on peer aggression). (Relationship Custody: Ministry of Children and Youth Services – Youth Justice Services Division, p.5)

This model expects officers to “enforce rules and procedures as well as coach, mentor and engage youth in decision-making”. (Ministry of Children and Youth Services, 2011, p. 31)

The idea of using this framework is to develop a *connection* between the officer and the youth that allows the officer to act as a role model, a confidant, and a pseudo-parent. The YSO can then support the youth in changing their way of being, and to make ‘better’ choices and obey the law. The intent behind this framework is well meaning, since a relationship means that people are connected in some way. Connecting with a youth ‘under’ your supervision is an important and positive step. However, a relationship,

by definition, is generally based on a level of equality and respect, where issues of power and control are managed and result in equitable outcomes.

In a custody facility, a YSO is not unlike a schoolteacher. The expectation is that the YSO will protect their '*charges*' and their peers, that they will maintain order, but that they will also model and teach. The hope is that this is accomplished by providing youth with opportunities to develop relationships with others, develop skills and abilities for self-determination and to develop the skill of self-policing. However, the irony is that it is all supposed to occur within a state institution. A YSO has a responsibility to 'teach', but is also responsible for safety – the safety of themselves, of other youth and of their colleagues. I suggest that to truly be effective as a teacher in the critical pedagogical sense, they must balance being respectful and judicious in their use of power within these perceived (and 'real') concerns for safety. This is the tightrope that we have asked YSO's to walk, but it is also the one that we have asked youth to trust in.

The following scene from the 1970's comedy *Different Strokes* (Season 1, episode 4, 1978), encapsulates what Paulo Freire (1992) speaks about as knowledge from lived experience. Freire writes: "...to underestimate the wisdom that necessarily results from sociocultural experience, is at one and the same time a scientific error, and the unequivocal expression of the presence of an elitist ideology." (p. 75). In this scene, Arnold, a young boy of colour, has taken an entry exam so that he can be accepted into a boy's prep school- he is describing the exam to his adoptive father, a man who is white:

Arnold: “My question was even trickier Mr. Drummond, “How many people can sleep in a house with three bedrooms and a double bed in each room?”

Mr. Drummond: “And what was your answer?”

Arnold: “18...we know people who get three in a bed, two on the floor, six on the couch and one in the bathroom.”⁴

Paulo Freire (1970) points out that most education systems teach youth ‘subjects’, but not ‘knowledge’ as it relates to their lives; knowledge is defined on their behalf and alienation from ‘knowledge’ occurs because different forms of ‘knowledge’ are valued differently, and within different groups. Arnold’s way of answering the question posed was based on experience, of how one can be creative with limited resources. His answer was not just to a math problem, but to a life problem. Furthermore, as Campbell argues :

The “one-size-fits-all” philosophy of many youth custody facilities fails to take into account how both race and culture can impact on world views, social perspectives, and behavioural expectations. There is growing recognition of the importance of considering race and culture in the provision of criminal justice interventions... (p. 278).

It has been my experience that we want youth who have offended to challenge their knowledge. We expect them to challenge peer pressure (no, I’m not going to steal that; no, I’m not going to break into that house). We want them to refute the knowledge

⁴ <https://www.youtube.com/watch?v=uNLazDgsvZs> 17:40 minutes

they have gathered through lived experience (your gang is often who you consider your family), the knowledge that may have kept them alive (hit or be hit). We want youth to think the way ‘we’ think is right, to dress in a way that ‘we think’ will help them gain legitimate employment, and to question things that we say they should question. In the case of programming, we want youth to accept our knowledge as the ‘right knowledge’.

In custody settings, not only are there knowledge hierarchies that are seen as legitimate and necessary in order to maintain ‘order’, but the challenging of any part of the institutional hierarchal structure, of the power structure, is seen as dangerous, in a literal and physical sense (Provincial Advocate for Children and Youth, 2013; Winsa, 2014). Custody settings are based on para-military structure, on order and ‘chain of command’. As Barron (2000) writes,

The youth justice system is a multi-layered, hierarchical structure, premised on the application of professional expertise to apprehending, sentencing and punishing young offenders. As such, it is an expression of both an institutional culture and a doctrine that are often resistant to ways of knowing from other sources. Among other things, this resistance negates the voices of those whom the system is meant to benefit. (p.91).

When that para-military structure is challenged, through implementing something like ‘relationship custody’, dynamics of power can change. The perceived safety of the hierarchy that was in place, is upset. If YSOs allow themselves to be questioned, the fear is they may no longer be seen as the ‘voice of authority’, leading to fear on the part of youth and YSOs, and fear of who will keep them safe.

Yet we expect youth to challenge their own ‘knowledge hierarchies’, asking them to go against their peer group’s ‘code of conduct’ (don’t be a rat) and potentially that of their family system. We expect them to believe ‘we’ will keep them safe. We do this without taking their lived realities into account, or at the very least we ignore those realities in favour of our beliefs and knowledge. One of the dangers in tackling ‘knowledge hierarchies’ is the shortcut Freire (1970) refers to, when we use the end to justify the means. ‘Knowledge hierarchies’ assume one answer, not many answers and they quash creativity and difference (Freire, 1970) .

All experiences are unique; they are grounded in instances of gender, socio-economic status, race and sexuality among others (Qvortrup, 2008). A youth’s ‘truth’ is not an isolated fact, but is based in their experiences and their understanding of those experiences. In order to attempt to understand their opinions, my analysis needs to be conducted through an understanding of power/knowledge and defamiliarization (Kamberelis & Dimitriadis, 2006). Our use and understanding of language and concepts is based on our individual experiences and education. Our experiences and worldview shape our interactions, what people interpret we are saying, how we experience systems and ‘the help’ they offer.

Within these contexts, I argue that to be relevant *for* youth, programming must always be conscious of not subverting the ‘knowledge’ a youth possesses. Although the intent is well meaning, education in the custodial programming context must be about ‘teaching’ youth *how* to think critically, not *what* to think, and engagement in this process is vital to its success. To use Freire’s language, we must depart from a form of ‘banking’ education to one of ‘problem-posing’, giving youth the opportunity to come to their own

conclusions (Feire, 1970). Engagement then, and teaching, can only occur if we respect a youth's lived reality, and we can only begin to understand their reality when we listen to their stories. As Drake, Ferguson and Briggs (2014) write:

Perhaps equally important, young people's accounts of their experiences can provide critical perspectives on the successes and limitations of current policies and practices that are inherently unique and prospectively illuminating. (p. 23)

Using a lens which sees youth as knowledge holders and active participants in their own lives, this study seeks to understand what you tell us about their experiences with programming offered to them while they are in custody and provide us with an opportunity to "Walk the Tightrope". In Chapter 2, I will review the literature as it relates to what we know about youth who engage in what we see as offending behaviour and the youth justice system as a whole. In Chapter 3, I will outline my methodology, including the data I used and why. In Chapter 4, I will discuss my analysis of the data through the lens of Critical Pedagogy and in Chapter 5, I will present my conclusions.

CHAPTER 2:

LITERATURE REVIEW

The ‘Causes’ of Crime and Custodial Programming Responses

There is a tremendous amount of literature on the causes of youth offending. In this section I address the main tenets from the literature on what contributes to youth offending and what program characteristics are have proven effective in decreasing that offending. This literature provides an important context for understanding how programming is developed and implemented within a custodial setting.

‘What Works’ Literature

The move away from a ‘nothing works’ paradigm in the 1970s gave way to a more optimistic paradigm of understanding ‘what works’ for responding best to youth crime. This change began in the late 1980s and the beginning of the 1990s (McIvor, 1990; Raynor, 1988; Roberts, 1989). This change in approach was driven by a re-examination of the previous research and findings that “persistent offenders” are often found to have a range of thinking skills deficiencies (e.g. unable to link cause and effect, inability to think about future consequences, poor planning skills) (Durnescu, 2012).

Research has found that individual factors that may contribute to youth entering the justice system, include, but are not limited to, hyperactivity, impulsivity, anti-social attitudes, having a delinquent peer group, and substance use (Craig, Schuman, Petrunka, Khan, & Peters, 2011; Jenson, 2010; Tremblay, 2002; Whyte, 2004; Yessine, 2011). In addition, skills such as learning to wait for something you want (delay of gratification),

and the ability to use language to convince others to satisfy your needs are important specific protective factors against chronic physical aggression (Tremblay, 2002).

These risk factors, combined with other factors *within a youth's environment*, could lead to behaviours that bring a youth into contact with the justice system. More specifically, Whyte (2004) states that understanding the relationship between individual characteristics and their environment is very important in understanding, preventing and reducing crime. Family factors can include: poor parental supervision, parenting style, inconsistent and harsh discipline and criminality in the family; school factors can include: truancy, poor achievement, disaffection, aggressive behaviour; community factors can include: disorganised neighbourhood, poor amenities, and drug and alcohol availability (Whyte, 2004).

The above individualized and social factors, combined with short-term situational factors such as boredom, frustration, alcohol or drug misuse, and other factors such as opportunity, is what can contribute to the likelihood of offending (Farrington, 1996b). Research has also found that the risk of offending increases as the number and variety of risk factors accumulate, and as the number of domains are impacted (i.e. home, school, neighbourhood) increases (Yessine, 2011).

Importantly, research has also shown that many youth in the justice system have special needs, including learning, developmental and mental health needs (Doob and Cessaroni, 2004). This may include struggling with issues such as executive functioning and/or processing issues, or other cognitive delays or impairments (Crick & Dodge, 1994; Ellis, Weiss, & Lochman, 2009; Flouri, Hickey, Mavroveli, & Hurry, 2011; Flouri,

Tzavidis, & Kallis, 2010). This research has important implications for both understanding why children may engage in aggressive and offending behaviours, and for methods of intervention. Although research has found that the risk of committing a violent offence is highest during middle adolescence, this behaviour does not suddenly appear with adolescence, but rather there is a pathway and evolution to violence (Cameron, 2002; Tremblay, 2002).

These are all critical considerations in developing meaningful programming for youth in custody and they underscore the importance of understanding the youth for whom we are creating and delivering programming. An important factor then is appropriate assessments (Keil & Price, 2009; Prior & Mason, 2010; Tremblay, 2002), not just of the offence, but the individuals involved. For those youth who are identified as requiring special education, but have not had the benefit of complete assessments, it is important to consider whether their needs, processing abilities and learning styles contribute to any socially problematic behaviour. If so, interventions and responses need to reflect those needs. It is also important to consider whether a youth has experienced victimization and whether it is within a family or community context (i.e. abuse or neglect). Research reveals the importance of assessing the nature of violence a child or youth has been exposed to and to consider how those experiences may be reflected in the nature of the intervention (Flouri et al, 2011). Given the considerations mentioned earlier, including mental health or other special needs, simply asking youth to write a letter of apology, or suspending them for a period of days, or sending them to custody, are not effective responses to assist them in changing their perspective for future situations.

We know now from decades of research that the ‘get tough approach’, focusing on punishment and deterrence, is not effective in reducing offending (Farrington, 1996b; Lipsey et al, 2010). Interventions should be tailored to learning style, motivation, abilities and strengths; should include and emphasize the importance of relationship skills and pro-social modelling; and should use motivational interviewing among other characteristics (Bourgon et al, 2009; Lipsey et al, 2010; Prior & Mason, 2010; Whyte, 2004). Criminological research states that, for programming to be effective, it is important to follow the Risk, Need, Responsivity (RNR) model which outlines principles for intervention (Andrews & Bonta, 1994). The model focuses on the principles of risk (to re-offend), need (how can we reduce/eliminate dynamic criminal risk factors), and responsivity (providing the right treatment at the right level) of the ‘offending’ youth when developing and implementing an intervention (Bourgon et al, 2009; Prior & Mason, 2010). Criminological research has found that if we do not pay attention to these principles, then we actually can increase recidivism (Lipsey et al, 2010; Loeber & Farrington, 2001). This research is now commonly referred to as the ‘What Works’ literature (Robinson & Crow, 2009) and has been used to develop, what is considered to be, evidence-based practice in the area of rehabilitation. This framework promotes a ‘multi-modal’ approach, using a variety of methods and resources, and acknowledging the diverse needs of those who engage in offending behaviours (Burnett & McNeill, 2005).

Taken together, much is known about the characteristics and approaches that can contribute to program effectiveness, including skill building, paying attention to ‘dosage’, embedding cognitive-behavioural therapy, and using approaches that are therapeutic in

nature versus ones based in control (Lipsey et al, 2010). Finally, although research suggests using RNR principles when working with young people who offend is critical, research also suggests it is as important to be open to the possibility there may be a reason to override those principles in individual cases (Bourgon et al, 2009; Prior & Mason, 2010; Whyte, 2004). Assessment is continually found to be a crucial first step, and it is noteworthy that the value and validity of this assessment itself would likely depend on a positive relationship between the youth and the ‘assessor’.

More recently, however, reliance on the RNR model, or at the very least, the way the model has been used to design and implement programming, has come under scrutiny and even criticism. For example, Ward and Maruna (2007) write that the responsivity principle is likely the most integral to the model’s effectiveness, yet suggest it is the least developed. Further, critics argue that programs that are based in the RNR model are done so for the benefit of the community at large, and not the offender. That this model focuses us on risk to others, leaving the offender’s needs as secondary considerations, and that programs are not designed to motivate or engage offenders or achieve any specific treatment goals on their own, leaves youth in custody further disadvantaged (Ward and Maruna, 2007; Polaschek, 2012). In addition, reparation, program integrity and fidelity, and length of engagement, are additional important factors to consider in providing programming and interventions with young people who offend (Prior & Mason, 2010). Finally, a number of critics have argued that policy and practice preoccupations with risk have led to what has been identified as a ‘hybridization’ of risk and need in criminal justice discourse, leading to youth that may at one time have been seen as vulnerable’,

‘needy’ or ‘at risk’ now being reconstituted as risky or dangerous (Hannah-Moffat, 2004; Marutto & Hannah-Moffat, 2005; Worrall, 2001).

Much of the research in the past has focused on why people begin offending. Understanding why they stop, or desist, is less well understood, yet this seems critical to the process of developing interventions and programming.

Desistance Theory

Criminal desistance refers to when a person who has committed crimes in the past ceases to offend (Brame, Bushway, & Paternoster, 2004; Laub & Sampson, 2001).

Desistance theory tries to explain why there is a significant decrease in offending after adolescence (Devers, 2011). Characteristics that distinguished between those who continue offending and those who stopped or desisted were generally unknown, leading Sampson and Laub (1993) to develop a life-course perspective. As Laub and Sampson (2001) identify, “Understanding the factors that lead to desistance is important in shaping interventions that reduce reoffending among those already involved in crime.” (p.3).

Their research found that desistance is a process “consisting of interactions between human agency, salient life events, and historical context” (Laub & Sampson, 2001, p. 4).

Additionally, they also found that there are multiple pathways to desistance, and importantly, these predictors and processes of desistance do not seem to vary significantly, either by offender characteristics or offence type. They seem to be motivated by the formation of social bonds and by the individual’s investment in changing their ‘behaviour’ (Laub & Sampson, 2001). The conclusions they reach from their research is that the *process to* desistance has key elements, including aging, attachment to a conventional other (such as a spouse), securing stable (legal) employment

and a transformation in how individuals view themselves. Since investment in social relationships is gradual and cumulative, the process of desistance will also be gradual and cumulative (Laub, Nagin, & Sampson, 1998; Laub & Sampson, 2001).

Elder (1998) identified several principles in the life-course perspective: the time and place in history, the context in which the individual is living, the recognition that the time (developmentally) something happens in a person's life is important, the recognition of how we pass on social patterns between generations, of how our lives are often linked with those around us, and that "human agency plays a key role in choice making and constructing one's life course". As Laub and Sampson (2001) state "From our analysis it appears that offenders desist as a result of a combination of individual actions (choice) in conjunction with situational contexts and structural influences linked to important institutions. (p. 49).

It is important to note that the path to desistance occurs at different levels, at the individual level, situational level and the community level, and across different environments, including family and employment. It is these interactions that are as important to understand. Within these contexts, the role of agency is critical:

What is also notable in the desistance process is human agency. A vital feature that emerged from our qualitative data is that personal conceptions about the past and future are apparently transformed as men maneuver through the transition from adolescence to adulthood (Emirbayer and Mische 1998, p. 992; see also Cohler 1982; Maruna 2001)... Thus, projective actions in the transition from adolescence to adulthood advance a new sense of self and a new identity as a

desister from crime ... Thus, the men we studied were “active” participants in the desistance process. (Laub & Sampson, 2001, p. 50)

Looking at the paradigm of offending, and how to intervene through desistance theory requires the person working with the offender to understand his or her as an individual – what motivates and drives him or her. The offender and the worker collaborate on the “intervention” and work towards supporting the offender in reframing their identity in a positive way (Ward and Maruna, 2007; Polaschek, 2012). This is not to say that the RNR model does not have a critical role, just that it needs to be contextualized within the offender’s story. MacNeill (in Baker & Sutherland, 2009) provides us with a more nuanced perspective around risk, need and responsivity within an offender’s situational context and its relationship to effective intervention:

....Ward and Maruna (2007) suggest that it may be not that RNR is at fault in targeting risk, need and responsivity, but rather that the targeting of risk may be a necessary but not a sufficient condition for reducing reoffending. They suggest that to accommodate differences amongst offenders a specific case formulation is required, rather than too generalised an application of the principles. Part of the task of formulation is not just to identify risk and needs, but to work out, case by case, how risks and needs interact to influence offending in specific contexts and, from such an understanding, how risks and needs can be best addressed. (p. 84)

Ward and Maruna (2007) go on to argue that the RNR model does not pay adequate attention to key ‘treatment’ goals, and the development of a ‘therapeutic alliance’ between the offender and the practitioner, or to issues around motivation. Prior and Mason (2010) write that in order to achieve positive outcomes it “may actually depend on the skills, knowledge and experience of practitioners in the exercise of autonomous judgement” (p. 220). Some researchers argue, in fact, there has not been enough attention paid to the importance of the inter-personal relationships and their role in engaging young people in the interventions meant to lead to desistance from crime (Burnett, 2004; Prior & Mason, 2010). They argue that the success of the intervention is dependent on the engagement of a youth. and yet there is limited literature that addresses what factors are important for sustained engagement in the programming itself (Prior & Mason, 2010; Whyte, 2004). It is important to understand the broad scope and complexity of factors that could contribute to offending in order to provide programming with which youth will engage (Yessine, 2011). It is here where the intersectionality of ‘what works’ and how we engage youth, exist.

The literature on effective programs and the dimensions of human agency in promoting desistance is instrumental for thinking about custodial programming for youth. I argue that it is not good enough to just tell young people they need to stay away from their ‘anti-social’ peers, we must provide them with the skills and support to do so; and further, we must do this within the context of their lives within their family and community systems. If a youth has been convicted and sentenced for an offence, then it is important to understand what interventions should be part of their sentence. It is important to review practices and programs and how those are implemented, to ensure

that youth are engaged, and that the program fits the young person. If we cannot engage a youth, we cannot hope that the program will have any effect (Prior & Mason, 2010). For engagement in programming to occur, the relationship between a youth and the ‘program deliverer’ needs to be built based on not only an understanding of developmental factors, but also on social and cultural factors, and on an understanding of what the lived reality for the youth has been (Prior & Mason, 2010).

What Youth Have Said Previously

Youth have been asked throughout various studies to speak about their experiences with programming, both in community and custodial settings. The focus of the current study is specifically on programming within youth custodial facilities. In 2004, the Ontario Office of Child and Family Service Advocacy organized a series of Youth Roundtable Discussions on Violence (Curling & McMurtry, 2008), and Stephanie Ma (2004) conducted research as part of the *Just Listen to Me: Youth Voices on Violence* report, compiling both youth perspectives of the current state of affairs and making recommendations. These recommendations included that youth be involved and engaged in anti-violence policies and programs, violence prevention be taught in schools, and sensitivity to diversity be promoted through revised curricula and initiatives to bring youth together for multicultural experiences in their communities. Further, in two comprehensive reports youth reported that they are good “bullshit detectives” (Curling & McMurtry, 2008; Warner, 2005, p. 11). Youth tell us that they want programming that is relevant to their lives, and staff to interact with them in a respectful, caring and empathetic manner. They reported that they need and want to feel safe, and to engage in

educational opportunities (Cook & Finlay, 2007; Curling & McMurtry, 2008; Russell & Tustin, 2010).

Youth have spoken about the types and delivery of programs, including using “booklets” or photocopied work-sheets, and talked about their frustration at the lack of programming or repeating similar programming at different facilities (e.g. anger management) (Cook & Finlay, 2007; Curling & McMurtry, 2008; Russell & Tustin, 2010). Other concerns were raised including literacy issues, often making it impossible for youth to complete programming (Cook & Finlay, 2007).

Lastly, a significant concern for youth was violence within facilities. Youth described a ‘complex sub-culture’ of peer on peer violence that included name calling, horseplay (looks harmless and playful, but frequently escalates into aggression), punking off/muscling (intimidation, coercion and/or force to take away possessions or opportunities), paying rent/taxing/to serve (youth being forced to hand over possessions through the use of threats and intimidation), soldiering (one youth demanding that another youth assault a third), and other similar behaviours which put a youth’s safety in jeopardy (Finlay, 2004; Russell & Tustin, 2010). It is noteworthy that youth who participated in these acts as aggressors also identified these as concerns and understood the ‘danger it poses’ for all youth. It is clear from these reports that youth are faced with the difficult choice of choosing between being the ‘aggressor’ or the ‘victim’, in order to just survive, and both choices come with consequences.

What To Do About Offending – The Importance of Staff

Much has been written about why youth engage in offending. It is now generally accepted that offending behaviours are associated with a combination of numerous wider social and psychological influences. As described earlier, a focus in Canadian youth justice under the YCJA is on rehabilitation and re-integration, and we have focused on developing programming in order to achieve these goals. With regard to programming available to youth while in custody, as previously stated, a substantial body of research, including a number of meta-analyses and systematic reviews, have found what is effective in reducing crime in terms of program components (i.e. addressing impulsivity and cognitive thinking errors, see Prior and Mason, 2010, for a full review). However, research has also shown that any attempt to reduce recidivism must take into account the reality of a youth's life and their perspectives (Bateman & Hazel, 2013; Creaney, 2014; Prior & Mason, 2010). Within this context I argue that the lens of critical pedagogy becomes relevant. In order for a program to be effective, a youth ought to find it relevant and want to engage *with* it, and despite asking youth to comment on their experiences of incarceration and programming, the feedback does not seem to be reflected in programming itself or in the literature. Prior and Mason (2010, p.217) argue that "the youth offending field lacks a satisfactory evidence based on the role of interpersonal relationships in engaging young people in interventions designed to enable desistance from crime". Furthermore, Prior and Mason (2008) highlight research gaps in why some interventions work better than others. They state:

Meta-analyses of interventions have sought to establish those that can be demonstrated to be effective on the basis of rigorous evaluation evidence, including preventative programmes and those targeting different types of

offenders (e.g. Lipsey, 1995 and 1999; Lipsey and Wilson, 1998; Losel, 1995; McGuire et al, 2002; Wasserman and Miller, 1998). Yet the authors of these reviews and other authors who draw on them in reviews of policy and practice (e.g. Newburn and Souhami, 2005; Prior, 2005) consistently highlight the lack of rigorous research evidence upon which such analyses can draw and, stemming directly from this, *the lack of evidence about why some interventions work better than others and what makes a difference when applying interventions in practice*; thus they are unable to tell us about the techniques or lessons for practice when applying interventions. (p. 10) (*emphasis added*)

Furthermore, youth perspectives have not been incorporated into program design or delivery as part of what is ‘best practice’. As Bryson, Patton and Bowman (2011) state:

...failure to attend to the interests, needs, concerns, powers, priorities and perspectives of stakeholders represents a serious flaw in thinking or action that too often and too predictably leads to poor performance, outright failure or even disaster. (p. 2)

And Dowden and Andrews (2004), key informants to youth justice research, highlight the role of staff in program interventions:

Despite these impressive findings regarding what program characteristics are most effective for offenders, very little research has focused upon the characteristics of effective staff practice to use in the delivery of these interventions. (p. 204)

It is clear that program staff have a direct impact on supporting youth moving towards readiness for change. Research has found the need for a “certain climate, a helpful attitude and a supportive approach” within the facility in order to support readiness to change (Clark, 2009, p. 23). Staff characteristics, including the ability to show warmth and empathy, have been found to be integral to leading to client change in a therapeutic relationship (Milkman & Wanberg, 2007). More specific to the justice system, in addition to warmth and empathy, qualities such genuineness, respect, and flexibility have been found to be staff qualities that can contribute to a reduction in recidivism (Serin and Shturman, 2007, as noted in Doran, Hohman, & Koutsenok, 2013). In addition to the qualities staff possess, their skills are important considerations. Within this specific context, skills are defined as ‘a complex organization of behaviour directed towards a particular goal or activity’ (Datar et al., 2010: xxxi as quoted in Durnescu, 2012). Unlike staff characteristics, skills are behaviours that can be taught and learned, and that can be improved upon through experience and practice (Durnescu, 2012). Lastly, for meaningful change to occur, these interactions must take place in an environment of respect and safety (Evans & Marsh, 2009).

Given the above findings within the literature, it is the interplay between a youth’s personal, inter-personal, and social factors and contexts that challenges us to consistently find ‘what works’. Those who work with youth must contextualize programming within a youth’s personal skills and abilities, their youth’s developing maturity, key relationships (family and peers), key life milestones and their perceptions, perspectives and social contexts, and workers must do so in way that it is engaging, not based in control (Bateman & Hazel, 2013; Burnett & McNeill, 2005; Creaney, 2014; Dowden &

Andrews, 2004; Durnescu, 2012; McNeill, 2003; Moth & Evans, 2011). As Whyte (2004, articulates, literature speaks to the design of interventions in terms of skill development necessary for change. Furthermore, youth must be seen as active participants in the development of programming if it is to be meaningful to them. As Minaker and Hogeveen (2009) argue, “youth have historically been the *subjects* of processes that directly affected their lives...but not the authors. Youth are continually denied an authorized voice; they are not given the status of authorized knowers.” (emphasis in original, p. 270)

Those who deliver programming, whether in custody or the community, play a crucial role. As Unger (2013) writes, research reveals the importance of youth-adult relationships within interventions for youth:

...it was not the quantity of services, but the quality of relationships between a single service provider and youth that was most predictive of functional outcomes like school engagement..... Here, youth-adult relationships that were attentive to the needs of young people, engaged their voice in decisions affecting them, encouraged negotiation rather than the imposition of pre-selected interventions, and sustained equal participation when reasonable to do so, were all contributing factors to young people experiencing benefits from these relationships. (p. 332)

Given the above findings, engagement is a critical piece in supporting youth to change offending behaviour that has often led to them feeling safe and in control. In order to implement effective programming, we need to understand what youth in custody identify as their challenges and needs, and what we need to include in program

implementation to increase their engagement in that programming (e.g., what's good, what's missing and what we can do better).

Thinking About Sustained Engagement In Youth Custodial Programming

The types of interventions that are available should be heterogeneous; one size does not fit all. Although the integrity and fidelity of programming is crucial, we cannot be so rigid in our fidelity that we fail to be flexible, contradictory to the punitive discourse that often occurs (Prior & Mason, 2010; Jenson, 2010). A review of the literature suggests that we must see and treat youth with mutual regard, respect, honesty, trust and negotiate with them on outcome goals, and we must treat them as 'beings' not 'becomings'. If we do not treat youth with respect and empathy and communicate *with* them, instead of *to* them, we will never engage them (Prior & Mason, 2010). In addition, we must provide interventions that take into account different learning styles and abilities of each youth we are involved with.

There is limited literature, however, on addressing and understanding what factors are important for sustained engagement in the programming itself (Prior & Mason, 2010; Whyte, 2004). In addition, there appears to be a gap in the literature to date identifying what makes a difference when applying interventions in practice. For example, little appears to be known about what are important qualities and abilities for program facilitators or what youth feel about programming they have participated in. Dowden and Andrews (2004) argue that "...very little research has focused upon the characteristics of effective staff practice to use in the delivery of these interventions." (p. 204)

Further, as Whyte (2004) identifies:

While existing literature on effectiveness provides positive direction for practitioners on how interventions might best be designed to equip young people with the skills necessary for change, it provides limited assistance on the equally important social processes by which young people come to sustain desistance from crime over time. Despite the tone of political rhetoric, there is no simplistic ‘medical model of corrections’ in which an appropriate remedy can be systematically administered with the right duration, sequence or intensity. The complex personal, inter-personal and social factors that form the context of work with young people who offend challenges practitioners..... (p. 18)

The research to better understand how to respond to youth who engage in what society has deemed to be ‘*offending behaviour*’ has been critical. However, as Barron (2000) notes, knowledge from academic research is often accepted as ‘objective’, and as coming from experts. This knowledge, however, is in fact “...created and reflective of time, place and the perspective of those in positions of power.” (p. 119).

The literature on what works, the risk factors relating to youth offending, and some literature on youth perceptions about effective programming raise further questions about programming that can benefit from being examined through the lens of critical pedagogy. Decades of experience has taught us there is no one answer to what will reduce ‘offending’ behaviour. We understand what components of programming may be effective, but we need to understand so much more about the youth who enter the justice system, about their experiences, about their stories – a place where the notion of Relationship Custody can be so powerful. It is putting critical pedagogy into practice that

may ultimately reduce a youth's likelihood of re-entering the justice system. Youth appear to want to be heard, understood and respected.

The literature outlined in the previous two chapters highlights important reasons youth enter the justice system and leads to a different approach to programming for youth in custody. In the following chapters, I will outline my methodology and analysis. As Joe Kincheloe (1991) argued that schools should not assign students' roles in society or career goals, but rather they should teach students to be critical thinkers, I argue that custodial facilities should not focus on telling youth how to think or act but should empower youth to critically think about their own lives and decision-making. Society has a role in this process.

CHAPTER 3:

METHODS

Overview

There are two main gaps in our understanding that stem from a review of the literature. First, it is not clear what youth identify should be included in custodial programming for them to find it relevant, and secondly, there are gaps in our understanding of what factors youth identify as influencing their sustained engagement in that programming. Therefore this study seeks to investigate two main questions: What are some of the challenges and needs reported by youth who are in custody? What factors do youth report are important to include in therapeutic programming while in custody in order to increase their engagement (e.g., what's good, what's missing and what we can do better)?

The questions I sought to answer in this study were ones of social research, considering the relationship between theory and the empirical world (Esterberg, 2002). As outlined in chapters 1 and 2, it is critical that the voices of youth inform and ground our approaches to interventions. Youth in custody are clearly a marginalized group in our society and it is my belief that we need to conduct research *with them*, not on them or for them. Taking that as a starting point, we then need to include what we learn from them in designing and implementing any programming. In order to answer my research questions, I chose to use a qualitative inquiry approach. Qualitative research attempts to understand the problem through exploration, striving to understand the underlying reasons why

things occur and the opinions and motivations of people involved (Creswell, 2007; Esterberg, 2002). As Kincheloe (2011) states, in positivist research

...all human activity must be fragmented. Schools steeped in the culture of positivism teach the outcomes of such fragmentation—isolated facts. The attempt to comprehend the world as a network of interconnections is lost...students are taught to attack problems as if they emerged in isolation, detached from the dynamic social and political forces which bestow meaning. (p. 14)

For the purposes of this study, qualitative inquiry afforded me the opportunity to use an inductive approach in examining my data.

In an effort to answer my research questions, I was specifically interested in hearing from youth themselves. Understanding that data has been gathered from youth involved in the justice system (e.g., from the Roots of Violence report, Provincial Advocate for Children and Youth reports), and due to the many challenges in being able to speak directly with youth who are in custody (e.g., issues of confidentiality), I sought to utilize already existing data. As I engaged in this process, I learned that the Centre for Children Committing Offences (CCCO), of the Child Development Institute (CDI), had conducted focus groups with youth as part of developing a new therapeutic program for youth in custody known as the *SNAP® for Youth in Custody Project* over 2012 and 2013.

The CCCO was established formally in 2001 and its mandate is to advance evidence-based approaches for children under the age of 12 who have had, or are at risk of having, police conflict resulting from their aggressive and/or delinquent behaviour. The Centre works collaboratively with researchers, policy makers, clinicians and other

professionals to advance research and social policy, conduct training, and strategically disseminate knowledge to communities in order that they have the very best of the best in terms of programs and approaches that prevent at-risk children from entering the justice system (Organizational Website).⁵

In 2012, CDI was successful in obtaining three years of funding from the Department of Justice. CDI, and the CCCO specifically, proposed:

- To work with the Ontario Ministry of Children and Youth Services, Youth Justice Services Division, to develop a version of the Stop Now and Plan (SNAP®) program specifically designed for youth in custody, aged 12-17, who are involved in gangs or at risk of gang involvement. The SNAP® program has been proven effective in decreasing delinquency and improving self control among children below the age of 12. It has previously been adapted for specific populations, including girls and Aboriginal youth.
- To include the development of web-based modules and training for custody workers. The modules will focus on engaging youth in custody with interesting and creative learning approaches by providing real life scenarios designed to improve self control, decision-making skills and pro-social strategies.⁶

This Project later became known as the *SNAP® for Youth Justice Project*.

In July of 2013, I was successful in my ethics application to CDI and was able to obtain the data from the CCCO in the form and manner in which the CCCO had originally collected it, which was a series of audiotapes. There were no personal identifiers in the data. Although the data did identify the regions in Ontario from where

⁵ <https://childdevelop.ca/snap/about-snap/centre-children-committing-offences>

⁶ <http://www.justice.gc.ca/eng/fund-fina/cj-jp/vj-ij/pd-dp/1213.html>

the facilities that participated were located, these have not been reported and only geographic areas have been broadly identified in this study. Finally, only secondary data was used for this research project.

In general, focus groups allow for the collection of a large amount of information within a short amount of time and allow for multiple perspectives to emerge; focus groups are often used to evaluate programs and can use a relatively structured or unstructured interview process (Esterberg, 2002). Some feminist researchers argue that focus groups are particularly helpful in mitigating potential imbalances of power between the interviewer and those being interviewed in that participants are able to hear from others with potentially similar experiences. It is important to be mindful, however, that group dynamics can also mean that quieter individuals are not comfortable participating, or that concerns about confidentiality may arise, and the role of the interviewer or moderator is key (Esterberg, 2002; Montell, 1999). I took these factors and observations into account when examining my data.

As previously identified, I chose to analyse this secondary data using a critical pedagogical and qualitative inquiry approach. This afforded me the opportunity to understand the issue of youth offending and their views with respect to engagement and programming, not in isolation to the act which led to the youth's custodial disposition, but in the context of the participants as individuals, their life experiences and their community. It allowed me to hear the voices of youth currently experiencing programming in a youth custody facility.

There are several limitations with using this type of data, which I will explore more fully in Chapter 5, however, one of the limitations is that we do not know the names

of the youth involved (even pseudonyms), and it is not always clear whether it is one or multiple youth who are engaged in the conversation. In addition, when using data collected by others, a researcher is unable to personally attest to the process used, including accuracy and ethical considerations include (i.e. an informed consent process and potential risks to the participants). However, in this case, I was able to mitigate these concerns through confirming with the Child Development Institute that they received informed consent from each youth who participated, and that there were no elements of coercion for any youth choosing not to participate or any penalty if a youth chose to withdraw from the focus group. Despite these limitations, the data was rich and in my review, these limitations were outweighed by the insights youth shared through these focus groups.

Type of Design and Researcher's Role

I began my analysis with a consciousness of the paradigm/worldview that I was bringing. A worldview according to Guba is “a basic set of beliefs that guide action” (Guba, 1990, p. 17). My research project was grounded in the paradigm of Advocacy/Participation (Creswell, 2007). Using this paradigm, my study was based in the belief that this research would inform our understanding of youth engagement in programming, examining issues including those of power and alienation, with the goal of informing, and possibly reforming, the way we currently develop, implement and deliver this programming (Creswell, 2007).

I wanted to understand what youth were saying about their experiences, what they identified as important to them, as strengths, challenges and needs, and where they,

presumably organically, had taken the conversation. I was conscious about whether there were relations of power that were being identified and the narratives of youth within these contexts.

Project Context and Data Collection:

1. The SNAP® for Youth in Custody Project was a three year pilot project funded through a partnership including the Federal Government, the Ontario Ministry of Children and Youth Services and Youth Justice Services, and CDI through the Centre for Children Committing Offences (CCCO). The CCCO's goal was: To develop and implement a youth justice program for youth 12-17 years of age who were in a custodial setting. This "new" program was to be based on the existing SNAP® Under 12 Program, which stands for Stop Now And Plan.⁷

SNAP® is an evidence-based behavioural model that provides a framework for teaching children struggling with behaviour issues, and their parents, effective emotional regulation, self-control and problem-solving skills. The primary goal of SNAP® is to keep children in school and out of trouble by helping them make better choices in the moment.⁸

2. The SNAP® for Youth Justice Project (SNAP® YJ) is based on a comprehensive implementation framework designed to develop, train, and support sustainable replication and evaluation of an intervention approach targeted to reduce the risk of further contact with the law and/or gang membership. This project, engages

⁷ <https://childdevelop.ca/snap/snap-programs/other-snap-programs>

⁸ <https://childdevelop.ca/snap/snap-programs>

males aged 12+ who are involved in the Youth Justice System in custody, probation and/or in the community SNAP Youth Justice Model Summary (please see Appendix B).⁹

3. Four youth custody sites were identified across the Province and focus Group data was collected at various stages between August 2012 and November 2013 by staff of the CCCO. These interviews were conducted to assist the CCCO in their program development, so that the development and implementation of this new program could take youth voices into account.

The data included in my research study was collected during the Project development stage, and involved male youth between 15-19 years of age. Of the four facilities where youth were interviewed, 2 were in Northern Ontario, with one being an open custody facility, and 2 were in Central Ontario. The makeup was as follows:¹⁰

- F1- Northern Open custody facility, 2 focus groups
- F2- Northern Closed custody, 2 focus groups
- F3- Central Closed custody, 2-4 focus groups (Identifying the exact number is likely to identify the facility)
- F4- Central Closed custody, 2-4 groups (Identifying the exact number is likely to identify the facility)
- Group size ranged from 4-6 participants in all focus groups.

⁹ Please see Appendice “mp1-snap-youth-justice” which is a 2 page summary available on-line and retrieved April 13, 2016 from <http://www.kidsmentalhealth.ca/documents/mp1-snap-youth-justice.pdf>

¹⁰ Personal Communications with staff from CDI between summer 2012 and spring 2014.

- Participants were all males, between 15-19 years of age.
- According to the CCCO, the Northern facilities had predominantly Aboriginal youth participants and the central Ontario facilities had predominantly African Canadian youth participants.
- For reasons of confidentiality, no offence histories or names were disclosed during the focus groups and no histories of current program involvement were recorded. As a result, these characteristics were not captured within the data I had access to as part of this research project.
- These focus groups were based on a semi-structured interview protocol that asked specific questions about their thoughts and experiences in relation to offending behaviour and programming (please see Appendix C).
- There were 2-3 CCCO staff facilitators per group, and at minimum one facility staff person per group as per facility policy. The focus groups were audio recorded (no video) with full knowledge and consent of the youth who participated, as well as the appropriate staff from the facilities. The CCCO used an informed consent process to ensure youth were voluntarily participating in these groups and which also ensuring that youth were aware that they could leave the focus groups at any time with no negative consequences. (please see appendices D, E, F, G)

Focus Group Selection:

Although four facilities participated in this initial research with the CCCO, one was an Open Custody Facility and was also a transfer payment agency, i.e. was operated by an organization other than the Government of Ontario, as opposed to the other three which were direct operated facilities, i.e. they were directly operated by employees of the Ministry of Children and Youth Services. In sentencing, there are factors that are taken into consideration when determining whether an open custody sentence or a closed custody sentence is ordered. The factors include age, offence type, mitigating and aggravating factors, and offender characteristics. Since it is not possible to determine whether this may influence the concordance across group cohorts, and in order to preserve the integrity of my analysis, I removed this open--custody facility from consideration (F1).

Of the three remaining facilities, only one was a Northern facility (F2) and therefore I purposively selected those focus groups for inclusion. Of the two remaining Central facilities, only one had been able to hold two or more focus groups (F3), allowing for both within facility and across facility analysis and therefore I purposively chose those focus groups for inclusion.

This resulted in the following data (group participant numbers provided by the CCCO):

F2G1 (# of participants 4)

F2G2 (# of participants 4)

F3G1 (# of participants 4)

F3G2 (# of participants 4)

- I then had these audio recordings transcribed by an experienced neutral third party, ensuring the anonymity and confidentiality of participants was maintained.
- No direct interviews were undertaken with respect to my research.

Method

1. Four transcripts were analyzed:

Facility 2 Group #1 (F2G1)- Northern Ontario

Facility 2 Group #2 (F2G2)- Northern Ontario

Facility 3 Group #1 (F3G1)- Central Ontario

Facility 3 Group #2 (F3G2)- Central Ontario

- ### **2. I began by analyzing my data using an inductive approach as articulated by Creswell (2007) and Esterberg (2002). The purpose of using this kind of approach is to ensure that I, the researcher, did not pre-determine any patterns or themes and that I remained open to what was being shared through the data. First I read each interview once through, allowing the voices of the youth to give me my first impression.**
- ### **3. Continuing to use this inductive approach, I then began using open coding, looking for distinct concepts and patterns. I read each interview a second time, identifying key patterns or themes and then a third time, identifying revelatory phrases, and salience. I colour coded each of these – patterns (blue), revelatory phrases (green) and salience (yellow).**
- ### **4. I then used focused coding and re-read the interviews a fourth time to address the following: a. confirm that my concepts and patterns accurately represented**

participants' responses and, b. explore how these patterns and revelatory phrases might be related. I then developed a chart for each transcript with identification of the patterns, revelatory phrases and areas of salience.

I identified the following patterns/themes:

1. Recreation/Activities
 2. Supervision
 3. What they see- environment/peers
 4. Mentor/Adult Guidance
 5. Poverty
 6. Being Disrespected/Abuse of Power
 7. Video Games/ Movies
 8. Culture
 9. Peer pressure
5. I then began using a deductive approach. After my initial inductive analysis, I identified 8 questions (including grouping several together) that were asked within the transcribed interviews which I determined were specifically relevant to my research questions. I then developed a chart which captured the responses of youth from all 4 focus groups which I had previously identified. At times these responses were not linear, and these other responses were also captured in the tables I prepared (excerpts only below).

The Questions I Identified Were:

- 1) So what do you think are some of the biggest challenges or issues that you face today? (grouped with why kids under 12 offend, if there was something you could teach someone to try to help them from getting into

trouble, what would it be? So what do you feel would help other youth from offending?)

- 2) What kinds of things get you mad or make you angry?
- 3) What do you think would get youth to participate in a program?
(organically asked or discussed- When you guys were at school, what kinds of things happened at school that would encourage you to go to school? Is there something that school could do to keep you in school?)
- 4) What kind of programs do you guys like? Are there programs that happen here that you guys like?
- 5) Is it for programming to take things like culture into consideration?
- 6) What do you think is important to include in a program? (so you can relate to it)?
- 7) Is there anything that's offered in this facility that you guys really, really, really dislike?
- 8) What stops you from going to a program?

	So what do you feel would help other youth from offending? What do you think would help other youth?
F2G1	<p>*YOUTH 1: Basically, more programs on the outside.</p> <p>INTERVIEWER 1: Okay.</p> <p>INTERVIEWER 2: Can you talk to us a little bit about that? Like what kinds of programs?</p> <p>*YOUTH 1: Probably like organized sports. Other stuff like that.</p> <p>YOUTH 2: Less drugs.</p> <p>STAFF (E): I think to be able to afford those, like they wanted to get into hockey...</p> <p>INTERVIEWER 2: So financial resources.</p> <p>*YOUTH 4: It's too expensive.</p> <p>*YOUTH 4: Drop-in centres.</p> <p>YOUTH 2: Dances.....</p>
F2G2	<p>INTERVIEWER: Like what do you think would stop them?</p> <p>YOUTH: Make them sit in [Bell Mal] for a week. (police station)</p> <p>INTERVIEWER: Maybe having them spend time in a police station.</p> <p>YOUTH: Some detox centre.</p> <p>INTERVIEWER: So detox centre.</p> <p>YOUTH: Somewhere like that, [... where drunks go, 21:04.]</p> <p>YOUTH: Slab of concrete; it's all you get. You don't like it...</p> <p>YOUTH: [...get out of...].....</p>

F3G1	<p>*YOUTH: Programs.</p> <p>INTERVIEWER: What kind of programs.</p> <p>YOUTH: Proactivity...</p> <p>INTERVIEWER: Sports programs?</p> <p>5) YOUTH: Getting jobs.</p> <p>INTERVIEWER: Getting jobs. Okay. What kind of jobs would be good?</p> <p>5)YOUTH: Labouring jobs. Hands-on jobs.</p> <p>YOUTH: More Big Brothers to come take you to [...]</p> <p>.....</p> <p>YOUTH: Yeah, I was told, they were encouraging like to go to school and make sure I finish, you know?...</p>
F3G2	<p>*****YOUTH: Jobs is one of them.</p> <p>** and *****YOUTH: School.</p> <p>WOMAN: That's what I was thinking. Do you guys think that when you don't do well in school, like say you start slipping one semester, does it give you the feeling to want to skip? Because when you start falling behind...</p> <p>YOUTH: You lose interest and you get encouraged.</p> <p>WOMAN: Lose interest and you're out on the street with friends...</p> <p>YOUTH: Just feel like [it's not you, the class is not you, 27:25]. That sometimes has to do with...</p> <p>YOUTH: [... more support sometimes, you know? 27:29]</p> <p>YOUTH: Depends on the situation. They're not thinking long term....</p>

Table 1- Data Matrix - Text From Focus Group Questions

6. I then conducted a re-test of my coding by going through each of these questions and re-examined each interview to ensure I had captured all related/relevant comments. If I had a question with respect to the transcript, I returned to the audio recording for context or clarity.
7. I then made notes (using the Microsoft Word comment function) for each group as to themes and patterns, both within the group and across groups, F2G1 and F2G2; F3G1 and F3G2; and then across F2 groups and F3 groups.

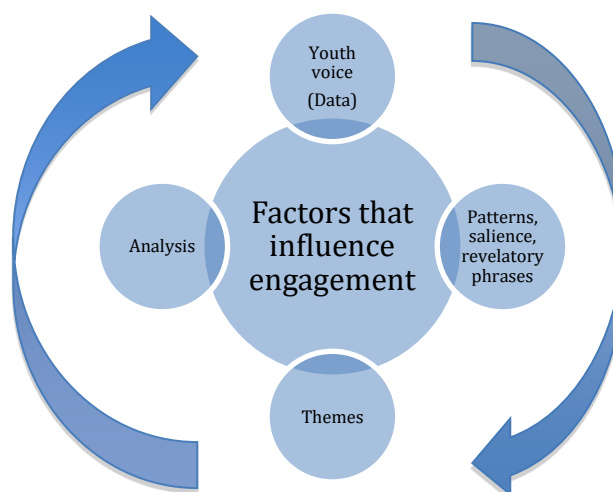


Figure 1 Analyzing the data- Continuous process

Summary

The data I analyzed for this study was secondary data that the Centre for Children Committing Offences collected as part of their SNAP® for Youth in Custody Project. I purposively chose to analyze four of the focus group audio recordings for reasons of congruence as it related to the type of facility, and heterogeneity as it related to participant characteristics and geographic location. I had the audio recordings transcribed and used an inductive approach to begin my analysis. Using the lens of critical pedagogy, I examined my data for patterns, salience and revelatory phrases, and as these emerged I began to code my data, at first using open coding and then moving to focused coding (Esterberg, 2002). During my analysis, I remained conscious of my own potential biases and bracketed these as much as possible. I repeated this process several times, to ensure that I was able to capture all of the themes that emerged from the data. Once I felt confident that I had captured all of the themes, I began to analyze these themes in the context of my theoretical framework, my research questions and the literature.

CHAPTER 4:

ANALYSIS

“Making mistakes. It’s a part of growing up, you know what I’m saying?”

(Youth, F3G2)

Ultimately, the purposes of this study were to investigate the challenges and needs that youth in custody reported, and secondly, to explore what factors they voiced are important to include in therapeutic programming in order to increase their engagement (e.g., what’s good, what’s missing and what we can do better).

Overall, the focus groups were predominately similar with some minor differences in what youth identified spontaneously during conversation. While there was considerable homogeneity across and within groups in terms of what was identified, there were two noteworthy differences between youth responses involving the different geographic regions. The first was that in both the Northern facility groups (F2G1 and F2G2), substances/drugs were identified as problematic. In contrast, drugs were not identified by youth in either central Ontario focus group (question: “So what do you think are some of the biggest challenges or issues that you face today?”). This is of note given the public discourse about drugs, drug dealing and its relationship to crime and offending, and its potential impact on what programming may be relevant for individual youth and potential regional differences. A more detailed examination of this issue is beyond the scope of this study. The second difference was that youth (predominantly youth of colour) in both groups in the central Ontario facility identified discrimination based on race as an issue, while the focus groups involving youth in the Northern facility (F2),

with youth who were primarily Aboriginal, did not identify discrimination using that language.

In presenting this chapter, there is a conscious effort to present youths' thoughts in their own words in order to maintain the integrity of their voices. Although this is at the forefront of this chapter, in order to ensure confidentiality is maintained, I have chosen not to include lengthier quotes in their entirety. In total, there were several overarching themes that youth identified. Individual youth gave voice to their unique experiences and needs.

What Youth Say About The Challenges They Experience

Lack of Opportunities and Discrimination

Youth identified a number of factors that they felt contributed to their offending. In all of the focus groups, youth identified issues of poverty or lack of money as being an issue – whether to take care of themselves or so they could engage in activities. Youth also spoke of the lack of job opportunities and the importance of learning job skills. Youth in all focus groups made links between their experiences of poverty and what they need to succeed. Their comments reflect a view to the past to understand their present and future. As one youth put it: “It’s more important to learn skills to get a job than it is to talk about your feelings all day.” (F2G2) This quote illustrates how this particular youth has positioned therapeutic programming. He sees his immediate needs as being based in more concrete accomplishments (i.e. finding employment). For those working in the youth justice system, it is difficult to know for sure whether ‘talking about his feelings’ is critical to reduce his chances of recidivism. However, it is very likely that finding and

keeping a job will have a direct impact on his ability to support himself, and likely improve his life at least, in part, once he leaves custody. This youth does not value or recognize therapeutic programming as being more meaningful than concrete job skills, and yet this is an example of where we have created knowledge hierarchies (Freire, 1970; Giroux, 2006) (i.e. we, providers, have knowledge which guides our decisions and which is more important than your knowledge of the need for a job to survive). It is precisely this example of knowledge hierarchies which can lead to youth feeling disengaged with adult-led programming.

Youth also spoke of feeling ‘othered’ and discriminated against in society as a result of not being provided opportunities. As one youth stated: “I would say give people a chance. Some people don’t believe in giving us chances.” (F3G1) Another youth stated: “But you can probably, like, be one of the best at the job, but they wouldn’t know because they never give you a chance. That’s what we don’t get enough – chances. Like he said, opportunities.” (F3G2)

Although youth did not identify oppression specifically, this was a theme throughout. Some youth identified stereotyping/discrimination taking hold as it related to youth in general. One youth stated: “Stereotyping...They actually face a lot more than... Like being a youth in general, you know?” (F3G2.) and “Youth aren’t – they don’t have enough, I guess... How will I put it? They don’t get certain opportunities, see what I’m saying?” (F3G2)

In the same group, youth identified a lack of opportunities and discrimination based on race. A youth shared:

Like I know for a fact that there's a lot of black people – I'm not even going to say black people still. Not going to say that. There's a lot of youth that are incarcerated that, let's say, if they had the opportunity to create a sport, like [... showing on arts or whatever, 13:18.] You know they could have been the next Picasso or whatever. See what I'm saying? The opportunity is a big thing that, I guess, youth don't get enough of. (F3G2)

The quotes presented thus far illustrate the importance of creating space for, and the value of youth voice. As Hollenstein & Lougheed, (2013) have argued, it is both individual and social factors that influence youth offending. Decades of research have helped us understand the contributing factors to offending behaviour, including growing up in poverty, suffering victimization, and experiencing authoritarian caregiver practices. Given these findings, we must then be open to acknowledging the likelihood that to address offending, we cannot simply intervene at the level of the individual, but rather we must intervene at a level of collective responsibility, so that we can address factors such as issues of racism, poverty, and victimization. As discussed in chapters one and two, if we are to truly address issues of offending behaviour and recidivism as outlined in the YCJA, and its commitment to the United Nations Conventions on the Rights of the Child, it is vital for us to consider notions of what it means to be a 'youth', what knowledge we value, and we allow 'youth voice' to be realized in program development. If youth are feeling disempowered by the very systems they are being asked to respect, it is unlikely that they will engage with those systems, or the programming they provide.

The reality of home

In both desistance research (Laub, Nagin, & Sampson, 1998; Maruna, 2001) and other criminological research (Craig et al, 2011; Loeber & Farrington, 2001; Whyte, 2004), the importance of environment, both family and community, is well documented. Within this context, youth talked about their parents/families. In response to the question: “So what do you think are some of the biggest challenges or issues that you face today?” Youth identified that sometimes their families were dysfunctional, as in this exchange in one of the northern facilities (F2G2):

YOUTH: Dysfunctional families.

INTERVIEWER: Okay. That’s a really big one. Dysfunctional families...

So what about dysfunctional families?

YOUTH: Bad relationships with your parents and stuff.

YOUTH: It’s [custody] a home away from home.

Several youth commented that their mothers were working or there was a lack of supervision from parents, as in this comment from a youth in F3G1:

Yeah. Because people come home from school and their mother is not there. Their mom’s at work. They’re not done work until night time, and they’re supposed to be sleeping to go to school the next morning, and they go outside and they’re just hanging around, doing whatever they want to do.,,

It is worth noting that no group spoke specifically about father or their role in parenting.

Youth also identified that custody may in fact be better than home in some cases. Several youth in the Northern facility (F2G2) spoke about how custody provided them with better food and clothing than they would have access to at home. In addition, another youth identified that the risk was worth the reward. Youth were asked, “Do you think youth want to avoid being involved in crime? (Or) That’s generally something that they don’t want to participate in?” One youth responded, “Not if the consequence is coming here. It’s like [who cares] if I get caught.... it’s better here... You just can’t leave.... Eat better here than you do at home.” (F2G2). It might be tempting to some to think, based on this statement that custody needs to be made less appealing and tougher. However, it is important to put this kind of comment into context. If custody is viewed sometimes as being better than home, it raises questions about the role of custody from the standpoint of youth, and more broadly, the social welfare function it may play for those subjected to it. These comments from youth give us insights into not just what youth see as contributing factors to why they have offended, but how we can respond at a societal level to address the factors that lead to that offending. As Campbell writes (2005) “It is also possible to believe that we have a responsibility in Canadian society, which professes to care about issues of social justice, to provide young persons who commit crimes with the means to get past their troubles”. (p. 279)

Upset, Mad, Angry

Youth also identified what makes them upset, angry and mad, which can contribute to engaging in acts of aggression and violence, including various forms of assault, and more serious acts such as manslaughter or murder. Again youth identified that they often felt judged, labelled, stereotyped and discriminated against. Although the comments from

the youth were all slightly different, the underlying theme was similar – youth wanted ‘fair’ treatment, and to feel respected for their choices. As a youth in one of the central Ontario focus groups (F3G2) shared, “Yeah. We got more potential than we think. We’re capable of more, but they like to put us in certain categories.” As Freire (1970) and Giroux (2006) write, fair treatment can only occur when we recognize, respect and create space for a youth’s knowledge, and for their experience and voice. Current programming based on the ‘what works’ literature is focused on the individual as it relates to responsibility, but not as it relates to agency, and not within the context of systems, family, school and community. As Smith (2009) writes:

Interactions between different features of their personal biographies should be expected — they will neither be ‘pure’ passive victims, nor wilful offenders, but lived reality will reflect a complex interplay between these distinct but connected phases of their existence. (p255)

In addition, youth were acutely aware of the use of power vis-à-vis other youth and adults. Youth from two different focus groups were asked about what made them angry or upset:

YOUTH: When people judge you. When someone judges you. (F2G1)

YOUTH: Or bullies you (ex. smacking me; or try and intimidate you) (F2G1)

Or as in this observation:

“ Being disrespected.... When you abuse your power.” (F3G2)

As outlined previously in desistance research, investment in social relationships is gradual and cumulative, the process of desistance will also be gradual and cumulative

(Laub, et al 1998). In the context of programming while in custody, this is significant. While immediate change is unlikely, supporting engagement in programming reflects the beginning of *the process* of change, which must then continue to be cultivated after leaving custody, through probation and/or other means. With the appropriate resources, programming and support can ultimately lead to the process of desistance from crime.

Effective and sustained engagement should be conceptualized as including necessary qualities, characteristics and skill of a facilitator (i.e. warm, empathetic), but also elements that consider youth –where they are situated, conceptually and physically. As Bryson et al (2011) state:

...failure to attend to the interests, needs, concerns, powers, priorities and perspectives of stakeholders represents a serious flaw in thinking or action that too often and too predictably leads to poor performance, outright failure or even disaster. (p. 2)

It is here, I argue, that the voices of youth become even more critical. What youth revealed in these focus groups is that they want their lived experiences and diversity as individuals to be respected and reflected in the custodial programming they experience. This lived experience includes important contexts about how and why youth engage in what we see as offending, who they are as individuals and how they relate to others in the world around them. Including their knowledge can lead to enhanced engagement in programming itself, and the process of desistance overall. This is identified by a youth in one of the central Ontario focus groups (F3G2):

There're some youth that want to, just because of the fact that they want to [be involved in crime]. Then there's some youth that have to, just because of their living environment. All right, let's say their parents couldn't get them everything that they wanted, like their parents want to but they just can't because whatever. A lot of minorities they don't have jobs like that, you know what I mean?

Resist Peer Pressure; Go to School

Youth in all of the focus groups identified school as being important somehow in their lives, but also identified the struggle in making choices within their peer group. As one youth shared in F2G1, "Friends....Trying to get you to do the wrong thing." And as another youth echoed in a different focus group (F2G2), "Stop following each other's footsteps." When youth talked about their notions of what a leader looks like, a youth in one of the Northern facilities stated leaders "go to school." (F2G2).

Within this context, many youth talked about the reasons for lacking school engagement. Several youth in this exchange identified the ramifications with a school system that no longer 'holds' kids back if they are not meeting academic expectations, and the snowball effect that has. F3G1 Interviewer:So what other things do you think that you guys could say are things that you want to work on, or that you wish you had worked on or looked at more?

YOUTH: School's just the number one thing, because like after...

YOUTH: High school I never did no [...25:07] or nothing like that. Like middle school...

YOUTH: Middle school sucked because you get passed [...] You could fail every class in middle school and still get passed. It's called transfer to the next grade. I failed grade 8 and I still went to grade 9.

Interviewer: Is that a good thing that they did that or a bad thing?

YOUTH: It's a good thing because this way you won't really be behind, but it's bad because you don't know what you're supposed to know.

.....

YOUTH: But certain stuff, if you never learned it, then you can't learn the next [step.]

...

YOUTH: There's certain classes you miss one step (like with math), if you miss one part of it – if you miss like the division and all that, then you cannot do the....
(F3G1)

The above exchange speaks to the dilemma youth find themselves in. Youth who are involved in the justice system have often been caught up in various cycles, school changes, dysfunctional family relationships, and learning issues. Campbell (2005) points to the important balance between critical scholarship and interventions that may assist youth. It is critical to be cognizant of dynamics of power at an institutional level, whether at a school or custody facility. Custodial facilities (and I would argue schools) can be viewed as the ultimate form of power and control over youth in the name of rehabilitation. Our systems are based on individualist factors and individual responsibility; in the case of school, the responsibility to study. If a youth falls behind, there may be opportunities to 'catch-up', but those opportunities must be seized by the

youth at an individual level. This is yet another place where malignant positioning (Parrot, 2003) can start to take hold, conceptualizing youth as lazy, rather than struggling with learning or attending school.

It is noteworthy that youth in both Northern Ontario groups said they had never had the option of participating in a program that talked about *how to say no* or resist peer pressure. Given the issue of peer pressure/friends that youth have identified, this seems particularly relevant and a gap in programming that youth are identifying for themselves.

Programming

Themes were also identified that related to youth's engagement in therapeutic programming while in custody.

Engagement

In the context of questions that asked about school and what would encourage youth to attend school (related to "So what do you think would get youth to participate in a program?"), youth identified various qualities of staff or the environment/culture which would be beneficial in the context of institutional staff practice. Youth in these focus groups clearly identified program characteristics including active, hands-on, and relevant. They also reported facilitator or staff characteristics that were important to them including being respectful, a good listener, engaged, and showed they cared. Youth did not want to have to sit still and listen to a facilitator. They identified that they had strengths and deserved to be heard and respected for what they bring to the conversation. These comments are noted within the desistance research. Human agency and the

personal conceptions of past and future were key factors noted by Emirbayer and Mische (1998) in their qualitative study of men moving from adolescents to young adulthood (see also Maruna, 2001). As outlined in the desistance research, these conceptions of oneself as having strengths offer individuals an opportunity to form a new identity, one that involves desistance from offending (Laub & Sampson, 2001).

Youth also wanted the programming to be relevant when they left the facility (i.e. something that would help them find a job or learn a skill/trade). As one youth noted, “I think it would be cool if we had programs where you can come down, have a staff right by you, help you make a resume for when you’re released or stuff like that.” (F2G2). During another exchange, youth articulated the importance of the role of a facilitator or teacher:

I haven’t been in the program that they’re talking about, but the other programs, I guess, it’s just like the teacher is interactive, you know? She can reason. She understands where you’re coming from. I guess, some people when they have their programs do the, like other kids in the past that were ignorant the person that’s holding the program, they just might, not really hold a grudge, but they just ‘I’ve had kids like these before.’ All right, I guess they enforce certain rules that don’t make it seem like a program anymore. (F3G2)

Or by this youth:

INTERVIEWER:... A program should be like a program. So help us understand that. YOUTH:

Like it shouldn't be – you see when you go to school. When you're in a classroom you know you're obligated to learn. Like you're supposed to listen to the teacher. But you see some teachers they might just throw down the textbook, write the pages on the board, and say, "Learn it." They're not breaking it down for you to help understand it They're making you feel like it's just a [... for learning, 36:27.] And a program it should be fun, it should be interactive, you should be able to talk and discuss certain things.... (F3G2)

It is noteworthy that both of the above youth end their comments with the idea of struggling to make themselves understood, "I don't know how to really put it" and "I can't really explain". But in fact both of these youth have a clear idea of what they need to be engaged. Using a critical pedagogical lens, we have the opportunity to identify and use this knowledge, to engage with what they are 'teaching us'.

And youth again identified the importance of listening to their voices and stories and supporting their process of decision making articulated in this exchange:

YOUTH: But then again it's like a lot of people, they focus on what they feel the youth should do. They don't leave it open for the youth to find what they want to do.... there's other things that they could have done or been shown, that they would have been way more successful in.

INTERVIEWER: Right. So adults need to stop telling you what to be involved in and let you decide what you want to be involved in?

YOUTH: Not really stop telling us. It's just, I guess, open more windows, you know? Open more doors." (F3G2)

It is important to pause here and reflect on the role of a YSO. It is clear that program staff have a direct impact on supporting youth moving towards readiness for change. Clarke (2009) outlines the "need for a 'certain climate', a helpful attitude and a supportive approach" within the facility in order to support readiness to change (p. 23). As referenced earlier, a YSO's role is to be based on a model of 'relationship custody'. But just as it is important to take a view beyond the individual when addressing youth offending, it is important to contextualize the role of a YSO within an institutional setting, which is full of dynamics of power. It is in this moment above, however, that those dynamics of power can be mitigated. Where a YSO can engage in a conversation with a youth and understand what he sees as meaningful. However, if we are not careful, it is in precisely these moments that policy and practice may collide.

Activities and Access

In addition to the challenges of family dynamics and lack of support/supervision at home, youth identified as barriers lack of access to supportive places like drop-in centres, where youth could use computers, participate in recreational and other community activities. Youth also identified these kinds of places as helpful in reducing the chances of youth under 12 years of engaging in offending behaviour. They identified the issues related to accessing these opportunities, well articulated by one youth: "More programs in metro housing neighborhoods." (F3G1) Another youth suggested: "Maybe fundraisers,

barbecues, all that stuff. When they do things, they're like [helping the community, 2:31.]". (F3G2)

Research has found that youth who offend may have certain characteristics such as impulsivity or skill deficits as outlined in chapter 2. However, it is often when these factors combine with short-term situational factors, such as boredom and frustration, that offending is amplified (Farrington, 1996b). If, as Laub and Sampson (2001), desistance from offending is a process "consisting of interactions between human agency, salient life events, and historical context" (p. 4), then the process *to* desist, which is what programming in custody is ultimately for, must take all of these factors into account. The focus group comments suggest that the application of skills for youth is important. It is not just about, for example, teaching a youth how to write a resume, but how to interview for a job. It is not just about teaching youth to 'control' their frustration or impulsivity, but to learn to interact with others who do not, as is the case in many family conflicts. Therefore it is important for the developers of programs to be understand the needs of youth within their lived experiences and individual contexts.

Interests in Music, Sports, Faith, and The Role of Culture

Sustained and successful engagement in custodial programming should include the needs, motivations and interests of youth (Prior & Mason, 2010; Whyte B. , 2004). Youth in all four focus groups talked about music as being important to them or something they enjoyed and/or thought should be included in programming. They also all identified sports or other recreational activities as being important to them, and things they wanted

more opportunity in which to participate. This was well articulated in the following exchange:

YOUTH: We like music too.

INTERVIEWER: Music.

YOUTH: That's one thing we don't have here a lot.

INTERVIEWER: Do a lot of you guys do your own music? Do you write your own lyrics and stuff?

YOUTH: Yeah. (F3G1)

Youth in three of the four groups also identified faith programming as something they connected with, although in one case, it may have had as much to do with the “person” delivering the programming. Although the interviewers did not ask youth to elaborate on this theme, it is relevant that youth identified faith independent of any specific question related to religion:

YOUTH 2: Smudging.

YOUTH 1: Reverend Harold. (F2G1)

Culture

The importance of culture and opportunities to explore culture offers a means of engagement, through music, through faith, and through school. In both Northern facilities youth identified cultural programming, independently of any prompting and in all of the groups, youth identified a variety of ways that they felt culture was important. It would seem this offers youth a unique opportunity to develop perspectives which include

thinking about themselves in the world, about how they are positioned with respect to others. The following exchanges show the importance to youth of culture for different reasons:

INTERVIEWER : Why do you think it's important?

YOUTH: Remember where you come from, I guess.

YOUTH: Helps our teachings. (F2G2)

And from a youth in a central Ontario group (F3G2)

YOUTH: Yeah, culture is very important. Because some people...

YOUTH: Maybe some other cultures come in.

YOUTH: Learning about other cultures.

YOUTH: Other language teachers coming in here, you know?

YOUTH: Like French.

YOUTH: Like you can have someone come in, let's say there was an African program. You can't have someone that isn't African. If he's not African, he has to at least be an African. The person just can't read books and say, "Yeah, I know about Africans".

This is directly related to Freire's (1992) advocacy not to underestimate the wisdom and value of sociocultural experience. Importantly, youth identified the importance of lived experience in the following exchange:

INTERVIEWER: So it should be someone who...

YOUTH: Who has experience. (F3G2)

It is also noteworthy that one youth in a Northern facility identified not wanting to engage with cultural programming because he does not do so when he is outside of the facility. This is an important reminder not to fall victim to a form of ‘usurpatory ventriloquism’ (Bourdieu, 1991), and assume all youth should connect to specific programming just because they may be First Nations or identify as belonging to a sexual minority, for example.

Program Relatability

There is currently a strong will to use evidence based programs in Ontario (Ministry of Children and Youth Services- Youth Justice Services Division, 2010; Provincial Advocate for Children and Youth, 2013; Reid, 2015). As mentioned earlier, there is an attempt to build relationships between staff and youth through the implementation of a relationship custody model. However these elements are different than also grounding the programming in what youth have identified within the focus groups. Best practice in developing and implementing programming seems to be currently driven by focusing on the ‘what works’ research (Reid, 2015). Much of the literature is focused on the deficits within an individual who offends, such as lack of self-control or impulsivity (Craig et al, 2011; Whyte, 2004). Programming is not focused on their individual stories, experiences, or their knowledge about themselves. As the youth revealed within the focus groups, information about their experiences and needs points to some underlying reasons *why* youth offend, and the broader social factors that influence their behaviour. This requires that youth are asked what is important to them, and that their voices are heard. As youth in this exchange articulated:

YOUTH: Them not just talking. They're actually like...

YOUTH: Watching movies.

YOUTH: Involving us in the discussion, you know what I mean? If there's a discussion.

.....

YOUTH: I don't like hearing people sitting down and talk to me.

YOUTH: They'll just talk for hours.

.....

YOUTH: If we have a discussion, I prefer it [to the long, long talking, 34:43.] Involve them in the discussion (F3G1)

I argue that the ways in which we involve youth in these discussions is directly related to how comfortable we are in addressing dynamics of power. Connecting with a youth 'under' the supervision as a YSO, for example, is an important and positive step. However, a relationship, by definition, is generally based on a level of equality and respect, where issues of power and control are managed and result in equitable outcomes. As identified earlier, this may not be an impossible task. However if we are to be successful in reducing recidivism, we must succeed at this task in some way. It is one that requires us to look deeply at how we think of youth who offend.

It is clear that program staff have a direct impact on supporting youth moving towards readiness for change (Laub & Sampson, 2001; Prior & Mason, 2008; Prior & Mason, 2010; Whyte, 2004). The youth in these focus groups identified what is important to them, including to be heard, respected, and listened to. They wanted their offending

understood within the context of their lives in their homes, neighbourhoods and communities. Youth want their stories and voices heard, and not just expected to be passive recipients of information. When asked what they thought was important to include in a program so that they could relate to it, one youth made the following observation, “Like the same scenarios that we’ve been in probably.”(F2G1)

And a youth in another group stated:

Make the program relate to us.... There’s only one program that ever happened in here that related to us. Did like ten years in jail. I can relate to it. All these other speakers would come; they don’t know shit. They just talk how we should change our life. They don’t know shit. They grew up in a nice house. (F3G2)

It is clear that the use of violence to resolve conflict, and other forms of offending, are a concern. But asking youth for their views about what is meaningful to help them engage in programs, and integrating those views into programming, fosters mutual teaching and learning. If we approach youth custodial programs using the lens of critical pedagogy, programs will be grounded using their knowledge and experience – teaching, as well as being taught.

Staff qualities as Part of Engagement

As outlined above as well, youth gave specific examples of what is important to them in terms of staff qualities as part of engagement and program content. This again speaks to the importance of the relationship:

INTERVIEWER: Nice staff. What does that mean ‘nice staff’? What kinds of things would they do...?

Teachers that actually want to help us. ...and then I’ll just be sitting there doing nothing. But teachers that actually come and sit down with you... Coming to you when you don’t even ask for help, just to see if you’re doing good or if you’re failing in this, this is what you need to do to get your grades up. Teachers that actually want to see you graduate. (F3G1)

And another exchange reflects comments about staff who care:

YOUTH: Certain staffs here are here for their pay cheques. Certain staffs don’t care about [...31:52]. To excel, our future. Do stuff that makes our day go by faster.

INTERVIEWER: How did they do that? How do you know that they care about you and it’s more than a pay cheque? What do they do?

YOUTH: Go that extra little mile, you know what I mean? If they do a program, certain staff, and if you did a program and you could tell that they’re actually trying to help us, you know? (F3G1)

And this very profound exchange:

... Well, the school part, you don’t fall behind – sometimes it all depends on the fact of getting to school. Because some teachers they’ll demotivate you or they’ll tell you this and that to keep you motivated. But then there’s just some teachers that, you know what, maybe at heart they have the same

intentions as the teachers that can motivate you, but they just don't know how to speak to you... (F3G2)

In the following exchange, youth articulated the importance of adults listening to a youth's perspective, of not just telling a youth that something was wrong, but of situating themselves within the youth's experience and social context:

INTERVIEWER: Well, to show that they respect you and they want to be supportive and that they want to listen to you.

YOUTH: ... They listen to you. They respect your opinion, your culture, and everything, everything about you.

YOUTH: It's not even that, like they have to listen to everything you're saying, but at least let me say what I have to say and then explain to me the wrongs in what I'm saying, make me understand why what I'm saying is wrong....Or at least try to.... So like instead of just telling me 'no, you can't do that,' explain to me why I can't do that, because obviously I want to do it. ... There's a reason why I'd want to do it rather than do this. So explain to me why I have to do it that way instead of this way. They can't think long-term....explain to me long-term what could happen, you know?" (F3G2)

The above dialogue speaks again to the insight that youth bring to this conversation. This youth is asking what most of us ask on a daily basis, to both be listened to, and to understand.

Why Wouldn't Youth Participate?

Lack of Incentives

Youth identified that having incentives to participate in programming was important. Given the amount of money it costs to house an offender, covering the cost of some food, or other incentive is likely not the barrier to providing youth with them to attend programming. It is far more likely that it violates adult notions of punishment. As adults, we often feel that we should not provide incentives, that the fact that youth have done something to warrant them being in custody means they should not receive a 'reward' or a 'bribe' – they should feel penalized. It would be interesting to see what would happen if this approach was flipped, if the sentence to custody was, in and of itself, considered the consequence and so youth started from the place of having privileges, which were then taken away if there was 'misbehaviour'. Regardless, youth who are in custody are by and large marginalized, often poor, and under-privileged. Having incentives may in fact be an 'easy win' to some level of engagement in programming. At the very least, it offers an opportunity to build relationships. "Yeah, like popcorn, chips, pop, coffee." (F2G1); Like what you guys did. Doing stuff [like this.] Like [road stuff, 30:53.] Stuff that we don't usually get on our meal trays, you know?" (F3G1)

Too static/repetitive and not meaningful

When speaking about programming, youth continually spoke of the static nature of their lives in custody. Youth in F2G1 identified anger management as a program they were offered and described it as “harsh”- leading to this exchange:

YOUTH : It’s harsh.

INTERVIEWER : It’s harsh? What’s harsh about it?

Staff: Makes you angry. [laughs]

YOUTH : Yeah, it does.

INTERVIEWER : What makes it harsh?

YOUTH : You’ve got to sit there for twenty minutes, I think.

YOUTH: No, probably like more like 30 minutes, half hour.

YOUTH: 45 minutes.

INTERVIEWER : So like sit still you mean?

YOUTH : Yeah.

INTERVIEWER : And that’s hard?

YOUTH : Yeah

.....

STAFF: You’re supposed to manage it.

It is interesting that the staff person in this exchange ends it by making the comment “You’re supposed to manage it”. In this exchange, we witness, how youth voice is silenced, likely unintentionally. Youth shared what is difficult for them, and highlight the ways in which a valuable program fails to engage them. Rather than acknowledging

that feedback, we expect them to “manage” what has proven for them to be unmanageable. They are after all in custody.

Youth in another group also identified the same program in this exchange:

YOUTH: Anger management.

YOUTH: Yeah.

INTERVIEWER: Why does anger management suck? What about anger management?

YOUTH: Same old stuff.

YOUTH: Same old shit. Every couple of months.

YOUTH: Exact same. (F2G2)

The theme of the static nature and disengaging nature of a program was repeated in all of the focus groups:

YOUTH 3: You have to sit there and listen to a bunch of adults speaking about nothing sometimes and they don’t understand – I don’t know the words.... I mean, like, some adults don’t understand what a certain person has been through, and they just try to cram what they think they know in someone’s head... (F2G1)

Another youth mentioned components of programs that are not meaningful to them: “It’s like every program is about your feelings and stuff. It’s like there should be programs teaching us how to like get a job and stuff when we get out.” (F2G2)

Youth also identified not wanting to share details of their personal lives as seen in this exchange:

INTERVIEWER: ... Are there things that it's like a no-go zone, you shouldn't ask me about that, or you shouldn't talk about that?

YOUTH: I don't know. I guess your personal life.

INTERVIEWER: Yeah. So keep it private. You want to keep your personal life private?

YOUTH: Yeah, for sure. I know a lot of people do, too. You don't always want to tell people everything that goes on in your life..... That's one thing that bothers me.... Yeah. You shouldn't just push towards knowing your business. (F3G1)

This conversation speaks to the dynamics of power. If knowledge is power, and youth are expected to divulge their personal information (knowledge) about themselves (i.e. past victimization or the reason they assaulted someone etc...), but they do not feel respected or valued for that sharing, (i.e., there is no reciprocity of sharing or acknowledgement of that experience), then youth are once again marginalized in their sense of power and agency. Their power and agency is negated by adults who feel superior. Adults often feel vulnerable and fearful when sharing information with youth. However, this then indicates a subconscious acknowledgement of a youth's knowledge and power.

Finding it boring / Too much Quiet Time

Youth identified the importance of having things to do. Youth in F2G1 and both F3 facilities mentioned quiet time as something to be avoided and that they did not feel there was enough programming that they could engage with. As one youth explained: “Boring facilitators. Nobody really in it, like not a lot of people participating. Boring subjects, topics.... No activities, no music or videos. Yeah, basically, yeah.” (F3G2)

And this comment:

INTERVIEWER: What makes it boring? What makes the program boring?

YOUTH: Sitting in one place.... There’s nothing that’s hands-on. (F2G2)

Safety and their reality:

Lastly, one of the most salient things youth spoke about was the issue of their own safety. Youth reported, in various ways, their need to protect themselves, and the need to react first in potential conflict with others so that they remained alive or at least less injured. This concept of, as one youth put it, ‘fight or flight’, is not given voice in programming, which is solely based on the RNR principles or the “*what works*” literature. It is not that the responsivity principle does not speak to the importance of parts of this concept (Dowden & Andrews, 2004), but it does not seem to be given due attention in program delivery or implementation, or in the way programming is conceptualized for youth. As many of the youth disclosed, they need programs to take their lives and the reality of their lives into account beyond skill-building. Simply asking, or trying to ‘teach’ them to stop offending does nothing to get at the root cause of their ‘offending’, or their stories. It is important to understand the ‘*good reasons*’ (to them) for

their offending if we have any hope of understanding how to support their process of desistance.

In the following two exchanges, youth themselves identify this concept. In the first example a youth is talking about an incident that happened in a large indoor mall:

YOUTH: Innocent people like at the mall – that stuff that just happened at the mall, what we’re just talking about – there’s innocent people that got shot. They’re looking at it like ‘I’m not doing anything. How come I got shot?’ And people just want to say I’m not going to be that person that’s going to be walking on the street and I’m going to get shot. So [they end up doing it themselves, 17:17.] (F3G1)

Or this exchange referring to life while in custody:

YOUTH: When some youth get incarcerated, they might get – they might be involved in certain things because of where they’re living, or whatever they have to do to get by. They might be involved in certain things. They might be an all right youth. They might not be, you know, a totally [...] youth. Let’s say him now, he was a good guy, but he was involved with certain things [to be sent in here] and then he has to survive amongst kids that are like him, and total savages, you get what I’m saying? He’s not going to be like that kid that sits down in the corner that cries all day; he’s going to [become used to it, 16:39.] Adapt to survive [...]

YOUTH: It’s hard to survive.

YOUTH: Just hard to survive. If you guys just give us more opportunities, it'd make us try better. (F3G2)

This is the area where I submit 'the rubber meets the road'. It is in precisely this moment where a youth's agency could not be more critical. If they feel even their concerns for their safety don't sway us from 'our message', then they have no reason to believe they will be heard at any other time. It is not that the violence is acceptable, but in that moment of explanation, it is at the very least understandable. It is then our responsibility to take that moment, and engage with that youth, to understand why he is fearful, to provide a space for him to begin to think critically.

This theme of self-preservation was repeated on a number of occasions:

YOUTH: If it's in the moment, that person did something to you and you haven't seen him for like three months and you see him [you're not going to be like] 'if I hit this guy, I'm going to go to jail for...'

INTERVIEWER: You do or don't think about that?

YOUTH: You don't think about that. There's no time to think about it.

YOUTH: It's like fight or flight, you know?

YOUTH: Yeah, it's me or him. (F3G2)

.....

INTERVIEWER: So are you saying that it's more, that most – well not most, but some of the decisions that you make are based around like just impulses, instinct?

YOUTH: Instinct, yeah. I protect myself.

YOUTH: Yeah, and then you see that right there? I guess authorities they don't understand, you know what I mean? Let's say me and this person over here, me and him had an argument and we ended up [beefing and what not, 31:17.] They don't understand that, yeah, [I know ... slipped through... 31:22]. They don't understand that if it was the other way around, he would have done the same thing to me... (F3G2)

.....

YOUTH: It depends. Because some youth they see – they're walking with their friends to a ball court, and they seen some guys come around and then they have an altercation and some of them get shot...Some kids might see it and be like, "I'm not going to be like that guy that got shot," and then he's going to go, [you know he's going to strap up, 18:02.] Some kids, they might say, all right, yeah, [I'm not going to try live here no more?] They try and find places where they can fly out, I guess, to live with family or whatever. It all depends on the youth.

.....

YOUTH: [I'm trying to talk.] Basically everyone looks at the situation different. Like what he said is totally right. So based on that, certain events that happen, and experiences, they can change your life dramatically. So it's either you need protection or you don't want to get involved. Some people end up dying, prison – those are the effects. (F3G2)

For youth, addressing issues of their safety, experiences of poverty, discrimination based upon age, class or race, surpasses any other issues. If youth do not see how their lives will be better, then there is likely no incentive in engaging in programming.

CHAPTER 5:

CONCLUSION

“It is easier to build strong children than to repair broken men.”

Frederick Douglass

Understanding Youth Experiences of Custody-Based Programming In Ontario

In an effort to support youth in desisting from crime, Ontario has begun to include evidence-based research in program development and implementation. As part of this, as outlined previously in chapters 1 and 2, Ontario has adopted a model of ‘relationship custody’. This model emphasizes many of the aspects and staff qualities that youth themselves identify: empathy, caring, listening. However, this model does not exist in a vacuum. It operates within broader systems of relationships involving youth and youth, staff and youth, staff and staff, staff and supervisors, and institutions and communities. The reality is that youth in custody lose the ability to use their ‘choice-making muscles’. A ‘relationship custody’ model between staff and youth, although noble in its intent, is unlikely to achieve its intended purpose of supporting youth in the process of change unless these other dynamics of power and relationships are acknowledged and situated within the conversation. As Drake et al (2014) write “The interaction between young people and their principal professional contacts is key to how young people’s experiences and views are heard, and to what is heard. And that interaction is itself conditioned by the working contexts of professionals.” (p. 35).

Through the lens of critical pedagogy, youth custodial programs can be developed and implemented in a more engaging and robust way. Youth shared that they understand they have a role to play in their custodial sentence, but they also shared that issues of race, poverty, neighbourhood violence, access to services are all barriers to their success. Youth shared that they value the knowledge of others, but also want to be respected for their knowledge. They shared that they often feel discriminated against just because they are young and in conflict with the law. Operating within a framework grounded in critical pedagogy helps balance these issues of power and oppression, and helps provide programming that is relevant and grounded in what is meaningful to youth themselves, allowing for youth to have agency in creating their future.

Perhaps most importantly, and what many of us as ‘helping professionals’ sometimes lose sight of, is that in order not to abuse those we come into contact with, we need to confront our own prejudices and assumptions, and our use of power. To be just, one needs to move away from a banking style of responding or ‘helping’ to a ‘problem-posing’ one (Freire, 1970), engaging with people in the stories of what led them to offend, and not believing that we can lecture or punish them out of offending. We often treat youth as ‘becomings’ rather than ‘beings’, forgetting that we are all ‘becomings’. In order for us to acquire the knowledge necessary to understand what might reduce re-offending for a particular youth, we must first understand their reality. We must listen to their voice, and from there, develop the programming based on their strengths and needs (Mertens, 2007).

In western society, as youth age, we expect them to become more and more *responsible* for their behaviour, we expect them to “grow-up and take responsibility for

their actions” (Arnett, 2000; Wray-Lake, Crouter, & McHale, 2010). Yet it is precisely at this time that justice-involved youth may be at an increased risk of being incarcerated. At a time when youth are expected to separate from their caregiver(s), to make decisions and choices, to become more ‘adult’ like, youth who are sentenced to custody become least *agentic* in many ways. Their days, clothing, and visits with loved ones are planned for them. Their ability to learn life-skills is centred within an institutional setting, not the home, and their ability to form relationships, both romantic and otherwise, is severely limited by dynamics of power and control and limited peer interaction.

As Giroux (2006) states when responding to Peter Babiak’s question about the phrase critical pedagogy:

I think that critical pedagogy is both a way of understanding education as well as a way of highlighting the performative nature of agency as an act of participating in shaping the world in which we live.... Teaching for many conservatives is often treated simply as a set of strategies and skills to use in order to teach prespecified subject matter. On the other hand, critical pedagogy must be seen as a political and moral project and not a technique. Pedagogy is always political because it is connected to the acquisition of agency. ...It draws attention to questions concerning who has control over the conditions for the production of knowledge, values, and skills, and it illuminates how knowledge, identities, and authority are constructed within particular sets of social relations.

Implications for Policy and Practice

If we are to be successful when we then ask youth to *engage* in programming, it is important to set the context, training and hiring practices, for professionals, whether Youth Service Officers or others, to be able to deliver that programming in a meaningful way. Programming is not in reality delivered in isolation from the rest of a youth's experience in custody, just as it cannot be delivered in isolation from the context of that youth's life in community. Dynamics of power between youth and YSOs must be acknowledged. Although they cannot be completely erased, the imbalance that inherently exists in a custodial setting can be mitigated with this acknowledgement, particularly if we change the context of how programming is implemented and delivered. Change cannot happen without trust, and trust is a process that must be nurtured and respected. Knowledge takes many forms, and we must start to trust the knowledge that youth bring to us.

Desistance research speaks about the importance of relationships, and individual motivations. However, what continues to appear to be underrepresented in the literature is how to actually engage youth in programming, how to keep them in the seats so to speak. Youth identified the importance of feeling respected, and feeling valued and listened to. In addition, as importantly, it is vital that we not engage in what Parrot (2003) refers to as malignant positioning while youth are incarcerated, so that we do not set up a cycle of more and more oppression, of more labelling, of more cause and effect, punishment and anger – doing the exact opposite of what we want to achieve and what research has found is effective in engaging with youth. The very use of language such as 'offender' or

‘rehabilitate’, positions youth to be ‘othered’, to be marginalized, and separated from youth in the community who have not ‘offended’, or at least have not been caught.

This study revealed that youth clearly articulated what their challenges and needs are in relation to desisting from offending behaviours. They want to have job skills and opportunities for employment, they want places to go that are safe and supportive, and they want to be engaged in activities. In terms of what engages them, youth identified wanting to know they are cared for, wanting to be listened to, to be seen as valid informants on their own lives, and wanting to be valued for their experiences and knowledge. We need to respond in a way that creates opportunities for youth to understand themselves, to understand others, and to not just cease offending, but to feel valued within the communities in which they live.

As identified in Chapter 1, western conceptions of youth and of their ‘individual responsibility’ as it relates to offending is grounded in our adult notions of what it means a productive and contributing member of society. We respond to the offending believing that our response, in part, is what is necessary to change the trajectory of that individual youth’s path in life. This is problematic because it allows us to abdicate our collective responsibility to ensure that we address those challenges that we have now learned contribute to this offending. We take the fact that some children in similar circumstance do not offend, as a rationale to let ourselves ‘off the collective hook’. It allows us to continue to believe in the notion of individual responsibility. However, children and youth who must navigate issues of poverty and racism do so in large part on their own; we have not grounded the way we respond to these issues into the fabric of our society, and we have layered our responses piecemeal on to our existing social fabric. This was

true for many years and still is in many ways, for the way we address issues of bullying. We created laws, school regulations, programming specifically targeting bullying before we learned that what would truly make an impact is teaching our children about relationships, about kindness and empathy, about respecting and valuing differences and diversity (Pepler & Craig, 2007). We now address bullying through whole school approaches – we know we should no longer only layer the anti-bullying message on top of our regular way of being. We have learned that enduring bullying is not in fact character building, it is character killing, and it is our collective responsibility to address it.

In order to create the conditions for youth to want to engage in programming, we must address the barriers they have identified. If youth don't feel that they are agents of their own change, that they have control (power) over aspects of their life, their environment, themselves, their education, and their circumstances, then there is no motivation or impetus for them to participate.

Limitations and Future Research

Limitations in this study were primarily around the use of secondary data and the generalizability of the findings. Using secondary data meant that I was unable to always determine whether one or multiple youth were contributing to the conversation. I was unable to contextualize the comments within the nature of the offending for which the youth had been sentenced and I was unable to ask youth whether they specifically consented to the use of their responses with respect to this study. Despite these limitations, I believe the value of the insights youth provided are critical to the success of

therapeutic programming delivered to youth in custodial settings. Future research should explore in more detail whether the observations made by youth in these facilities can be more broadly generalized to youth across the Province and Canada, and should include research with youth who identify as a gender other than male.

EPILOGUE

As a police officer for 23 years, I was not only given incredible powers of arrest and detention, but was also in a powerful position of judgment. Early in my career, operating under the traditional paradigm of policing, I believed that issues of justice were contained within a binary of right and wrong – that someone who is breaking the law should face the consequences of their decisions and I saw this process as just and right and clearly defined. It is only now, years later, that I understand responding to ‘crime’ is a much more complex social issue, requiring much more complex responses. I have come to understand that my power was not just as a police officer, but as someone who is white, educated and middle class, someone who was never at a loss for food or housing, and who felt safe in my home and neighbourhood and I responded to offending based on my experiences of privilege.

I believe what policing, and other professions invested with power such as YSOs, often fail to see, and receive little real training in is that we cannot simply arrest and sentence our way out of crime, or lecture youth into behaving differently. Custodial consequences *may* be appropriate, and offering evidence-based programming is important, but it is of little use if youth are not engaged with it in a meaningful way. Although immediate safety may be assured while a youth is in custody, that arrest and sentence has further consequences including related to employment, education, mental health, social supports, and that youth’s story continues.

The youth in these focus groups have clearly articulated what is important to them, that it matters who stands in front of them and what they are doing when they are

there, and that they want their knowledge understood and respected. It is up to us, the collective us, to now advocate for the inclusion of their voices in program development and implementation, disturb the status quo of what we believe to be ‘what works’, and to use our power to begin the process of making changes to how we choose and deliver programming to youth serving custodial sentences.

REFERENCES

- Anand, S. (2003). Crafting Youth Sentences: The Roles of Rehabilitation, Proportionality, Restraint, Restorative Justice, and Race Under the Youth Criminal Justice Act. *Alberta Law Review*, 40, p. 943.
- Andrews, D., & Bonta, J. (1994). *The psychology of criminal conduct*. Cincinnati: Anderson.
- Aries, P. (1962). *Centuries of Childhood: A Social History of Family Life*. New York: Vintage Books.
- Arnett, J. (2000). A Theory of Development From the Late Teens Through the Twenties. *American Psychologist*, 55(5), 469-480.
- Arsenio, W., Hall-Brooke, E., & Gold, J. (2009). Social information processing, moral reasoning, and emotion attributions: Relations with adolescents' reactive and proactive aggression. *Child Development*, 80(6), 1739-1755.
- Babiak, P. (2006). "Manufactured Cynicism: A Review Interview of Against the New Authoritarianism" SubTerrain Magazine. SubTerrain Magazine. Retrieved March 2016, from http://www.henryagiroux.com/Manufactured_Cynicism.htm
- Baker, K., & Sutherland, A. (Eds.). (2009). *Multi-Agency Public Protection Arrangements and Youth Justice*. The Policy Press.
- Bala, N. (2013, September 5). When a child kills in Canada, there's no sense of justice. *The Globe and Mail*. Toronto. Retrieved May 2016, from <http://www.theglobeandmail.com/opinion/when-a-child-kills-in-canada-theres-no-sense-of-justice/article14119129/>

- Barron, C. (2000). *Giving Youth a Voice: A Basis for Rethinking Adolescent Violence*. Halifax: Fernwood Publishing.
- Barton, A. (2004). Just Deserts Theory. *Encyclopedia of Prisons & Correctional Facilities*.
- Bateman, T., & Hazel, N. (2013). *Beyond Youth Custody: Engaging young people in resettlement*. Beyond Youth Custody.
- Bessant, J. (2005). Principles for developing youth policy: Kant's Categorical Imperative and Developmental Ethics. *Policy Studies*, 26(1), 103-116.
- Bohman, J. (2015). Critical Theory. In E. N. Zalta (Ed.), *The Stanford Encyclopedia of Philosophy (Winter 2015 Edition)*. Retrieved June 2016, from <<http://plato.stanford.edu/archives/win2015/entries/critical-theory/>>
- Bourdieu, P. (1991). *Language and Symbolic Power*. Cambridge: Harvard university Press.
- Bourdieu, P. (1992). *Language and symbolic power*. Cambridge: Polity press.
- Bourdieu, P., & Wacquant, L. (1992). *An Invitation to Reflexive Sociology*. London: The University of Chicago Press, Ltd.
- Bourgon, G., Bonta, J., Rugge, T., Scott, T.-L., & Yessine, A. (2009). *Translating "what works" into sustainable everyday practice: Program design, implementation and evaluation*. Ottawa: Public Safety Canada.
- Brame, R., Bushway, S., & Paternoster, R. (2004). Some methodological issues in estimating the size of desisting populations. In S. Maryna (Ed.), *Going Straight* (pp. 201-214). Albany, N.Y.: SUNY Press. Retrieved February 2016, from <https://www.bja.gov/Publications/DesistanceResearchSummary.pdf>

Brown, S. (2005). *Understanding Youth and Crime*.

Bryson, J., Patton, M., & Bowman, R. (2011). Working with evaluation stakeholders: A rationale, step-wise approach and toolkit. *Evaluation and Program Planning*, 34, 1-12.

Burnett, R. (2004). One-to-one ways of promoting desistance: in search of an evidence base. In R. Burnett, & C. Roberts (Eds.), *What Works in Probation and Youth Justice: Developing Evidence-Based Practice*. Willan Publishing.

Burnett, R., & McNeill, F. (2005). The place of the officer- offender relationship in assisting offenders to desist from crime. *Probation Journal*, 52(3), 221-242.

Cameron, K. (2002). Three and a half years later: Threat assessment in the aftermath of Littleton and Taber. *The Canadian Association of School Social Workers and Attendance Counsellors Newsletter*, 11, 4.

Camodeca, M., & Goossens, F. (2005). Aggression, social cognitions, anger, and sadness in bullies and victims. *Journal of Child Psychology and Psychiatry*, 46(2), 186-197.

Campbell, K. (Ed.). (2005). *Understanding Youth Justice in Canada*. Toronto: Pearson Prentice Hall.

Canada Solicitor General. (1975). *Young Persons in Conflict with the Law- A Report of the Solicitor General's Committee on Proposals for New Legislation to Replace the Juvenile Delinquents Act*. Government of Canada.

Canadian Charter of Rights and Freedoms, s 7, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act (UK), c11. (1982).

- Caplan, R. (1987). Person-Environment Fit Theory and Organizations: Commensurate Dimensions, Time Perspectives and Measurement. *The Journal of Vocational Behaviour*, 31, 248-267.
- Caputo, T., & Vallée, M. (2008). *A Comparative Analysis of Youth Justice Approaches*. Centre for Initiatives for. Ottawa: Prepared for the Roots of Youth Violence Report. Retrieved from (http://www.children.gov.on.ca/htdocs/English/topics/youthandthelaw/roots/volume4/comparative_analysis.aspx)
- Clark, M. (2009). Juvenile justice and a strengths perspective: complement or clash? Reclaiming children. *Reclaiming Children and Youth*, 18(2), 21-26.
- Collaborative Community Health Research Centre. (2002). *Research Review of Best Practices for Provision of Youth Services*. University of Victoria. Ministry of Children and Family Development.
- Coloroso, B. (1994). *Kids Are Worth It: Giving Your Child the Gift of Inner Discipline*. Toronto: Summerville House Books.
- Cook, D., & Finlay, J. (2007). *Review: Open Custody and Open Detention in Ontario*. Toronto: Office of the Child and Family Service Advocacy.
- Craig, W., Schuman, L., Petrunka, K., Khan, S., & Peters, R. (2011). *Better beginnings, better futures study: Delinquency trajectories of at-risk youth*. Ottawa: Public Safety Canada.
- Creaney, S. (2014). The position of relationship based practice in youth justice. *Safer Communities*, 13(3), 120-125.

Creswell, J. (2007). *Qualitative Inquiry & Research Design: Choosing Among Five Approaches*.

Thousand Oakes: Sage Publications, Inc.

Crick, N., & Dodge, K. (1994). A review and reformulation of social information-processing mechanisms in children's social adjustment. *Psychological Bulletin*, 115(1), 74-101.

Curling, A., & McMurtry, R. (2008). *The Review of the Roots of Youth Violence*. Toronto:

Queens Printer for Ontario.

Danby, S., & Farrell, A. (2004). Accounting for young children's competence in educational research: new perspectives on research ethics. *The Australian Educational Researcher*, 31, 35-49.

Department of Justice Committee on Juvenile Delinquency. (1967). *Juvenile Delinquency in Canada*. Ottawa: Queens Printer.

Devers, L. (2011). Desistance and Developmental Life Course Theories: Research Summary.

Arlington. Retrieved March 2016, from

<https://www.bja.gov/Publications/DesistanceResearchSummary.pdf>

Dickens, C. (2002). *Oliver Twist*. London, U.K.: Penguin Books.

Doob, A., & Cesaroni, C. (2004). *Responding to Youth Crime in Canada*. Toronto: Toronto Press.

Doob, A., Marinos, V., & Varma, K. (1995). *Youth crime and the youth justice system in Canada : a research perspective*. Toronto, ON: Centre of Criminology, University of Toronto.

Doran, N., Hohman, M., & Koutsenok, I. (2013). Motivational interviewing training in juvenile corrections: A comparison of outside experts and internal trainers. *Legal and Criminological Psychology*, 18, 262-273.

- Dowden, C., & Andrews, D. (2004). The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-Analytic Review of Core Correctional Practice. *International Journal of Offender Therapy and Comparative Criminology*, 48(2), pp. 203-214.
- Drake, D., Fergusson, R., & Briggs, D. (2014). Hearing new voices: Re-viewing Youth Justice Policy through Practitioners' Relationships with Young People. *Youth Justice*, 14(1), 22-39.
- Durnescu, I. (2012). What matters most in probation supervision: Staff characteristics, staff skills, or programme? *Criminology and Criminal Justice*, 12(2), 193-216.
- Eccles, J., Midgley, C., Wigfield, A., Miller Buchanan, C., Reuman, D., Flanagan, C., & Mac Iver, D. (1993). The Impact of Stage-Environment Fit on Young Adolescents' Experiences in Schools and in Families. *American Psychologist*, 48(2), 90-101.
- Edwards, J. R., & Rothbard, N. (2005). Work and Family Stress and Well-Being: An Integrative Model of Person-Environment Fit Within and Between the Work and Family Domains. In E. E. Kossek, & S. J. Lambert (Eds.), *Work and life integration: Organizational, cultural, and individual perspectives* (pp. 211-242). Mahwah, NJ: Lawrence Erlbaum Associates Publishers.
- Elder, G. (1998). The Life Course as Developmental Theory. *Child Development*, 69, 1-12.
- Ellis, M., Weiss, B., & Lochman, J. (2009). Executive functions in children: Associations with aggressive behavior and appraisal processing. *J Abnorm Child Psychology*, 37, 945-956.

- Emirbayer, M., & Mische, A. (1998). What is Agency. *The American Journal of Sociology*, 103(4), 962-1023.
- Esterberg, K. (2002). *Qualitative Methods in Social Research*. Boston: The McGraw- Hill Companies, Inc.
- Evans, W., & Marsh, S. (2009). Youth perspectives on their relationships with staff in juvenile corrections. *Youth Violence and Juvenile Justice*, 7(1), 46-67.
- Farrington, D. (1996). The childhood origins of crime: The Cambridge Study. *The Magazine of the Cambridge Society*, 38, 15-18.
- Farrington, D. (1996b). *Understanding and preventing youth crime*. Joseph Rowntree Foundation.
- Finlay, J. (2004). *The Dynamic of Peer Violence in Youth Custody*. Voices for Children. Retrieved 12 14, 2012, from <http://www.offordcentre.com/VoicesWebsite/library/reports/report-Apr2004-1.htm>
- Flouri, E., Hickey, J., Mavroveli, S., & Hurry, J. (2011). Adversity, emotional arousal, and problem behaviour in adolescence: The role of non-verbal cognitive ability as a resilience promoting factor. *Child and Adolescent Mental Health*, 16(1), 22-29.
- Flouri, E., Tzavidis, N., & Kallis, C. (2010). Adverse life events, area socioeconomic disadvantage, and psychopathology and resilience in young children: The importance of risk factors' accumulation and protective factors' specificity. *Eur Child Adolesc Psychiatry*, 19, 535-546.

- Fontaine, R., Pettit, G., Yang, C., Dodge, K., & Bates, J. (2009). Development of response evaluation and decision (RED) and antisocial behavior in childhood and adolescence. *Developmental Psychology*, 45(2), 447-459.
- Foucault, M. (1978). *History of sexuality: Volum one, an introduction*. New York: Vintage.
- Fox, K., & Cook, C. (2011). Is Knowledge Power? The Effects of a Victimology Course on Victim Blaming. *Journal on Interpersonal Violence*, 26(17), 3407-3427.
- Freire, P. (1970). *Pedagogy of the Oppressed*.
- Freire, P. (1992). *Pedagogy of Hope: Reliving Pedagogy of the Oppressed* (Translated 1994 ed.). (R. Barr, Trans.) London: Continuum Publishing Company.
- Giroux, H. (1994). *Disturbinbg pleasures: Learning Popular Culture* (2nd ed.). (H. Giroux, & P. Freire, Eds.) New York: Routledge.
- Giroux, H. (2006). *The Giroux Reader*. (C. Robbins, Ed.) Boulder: Paradigm Publishers.
- Goodwin-De Faria, C., & Marinos, V. (2012). Youth Understanding & Assertion of Legal Rights: Examining the Roles of Age and Power. *The International Journal of Children's Rights*, 20(3), 343-364.
- Government of Canada. (1894). Act Respecting Arrest, Trial and Imprisonment of Youthful Offenders. Statutes of Canada, 1894, volume 1, chapter 58.
- Government of Canada. (1908). Juvenile Delinquents Act. *R.S., c. 160, s. 1*.
- Government of Canada. (1985). Criminal Code of Canada, R.S.C. 1985, c.46.
- Government of Canada. (1985). R.S.C., 1985, c. Y-1.

Government of Canada. (2002). Youth Criminal Justice Act. *Statutes of Canada, c 1*.

Guba, E. (Ed.). (1990). *The paradigm dialog*. Newbury Park, CA: SAGE.

Hall, G. (1904). *Adolescence: Its psychology and its relation to physiology, anthropology, sociology, sex, crime, religion, and education*. England Cliffs, N.J.: Prentice-Hall.

Hannah-Moffat, K. (2004). Criminogenic Need and the Transformative Risk Subject: Hybridizations of Risk/Need in Penalty. *Punishment and Society*, 7(1), 29-51.

Hawkins, J. D., Herrenkohl, T. I., Farrington, D. B., Catalano, R. F., Harachi, T. W., & Cothorn, L. (2000). *Predictors of Youth Violence. Juvenile Justice Bulletin*. Office of Juvenile Justice and Delinquency Prevention. Washington, DC.: U.S. Department of Justice.

Hendrick, H. (1990). Constructions and reconstructions of British childhood: an interpretive survey 1800 to the present. In A. James, & A. Prout (Eds.), *Constructing and Reconstructing Childhood*. London: Falmer.

Hogeveen, B., & Minaker, J. (2012). Critical criminology and Youth Justice in the Risk Society: Issues of Power and Justice. In J. Winterdyck, & R. Smandych (Eds.), *Youth at Risk and Youth Justice: A Canadian Overview*. Oxford University Press.

Hogeveen, B., & Minaker, J. (2012). Critical criminology and Youth Justice in the Risk Society: Issues of Power and Justice. In J. Winterdyck, & R. Smandych (Eds.), *Youth at Risk and Youth Justice: A Canadian Overview*. Oxford University Press.

Hohman, M., Doran, N., & Koutsenok, I. (2009). Motivational interviewing training for juvenile correctional staff in California: One year initial outcomes. *Journal of Offender Rehabilitation*, 48(1), 635-648.

- Hollenstein, T., & Lougheed, J. (2013). Beyond Storm and Stress Typicality, Transactions, Timing, and Temperament to Account for Adolescent Change. *American Psychologist*, 68(6), 444-454.
- Hollenstein, T., & Lougheed, J. (2013). Beyond storm and stress: Typicality, transactions, timing, and temperament to account for adolescent change. *American Psychologist*, 68(6), 444-454.
- Horkheimer, M. (1982). *Critical Theory*. New York: Seabury Press.
- Hunt, D. E. (1975). Person-environment interaction: A challenge found wanting before it was tried. *Review of Educational Research*, 209-230.
- Hyde, C., Marinos, V., & Innocente, N. (2016). What do meaningful consequences and fair and proportionate accountability mean to youth offered sanctions in Ontario? *Canadian Journal of Criminology and Criminal Justice*, 58(2), 194-220.
- Jenson, J. (2010). Advances in preventing childhood and adolescent problem behavior. *Research on Social Work Practice*, 20(6), 701-713.
- Kamberelis, G., & Dimitriadis, G. (2006). Chronotopes of Human Science Inquiry. In N. Denzin, & M. Giardina, *Qualitative Inquiry and the Conservative Challenge* (pp. 3-30). Walnut Creek, CA: Left Coast Press.
- Keil, V., & Price, J. (2009). Social information-processing patterns of maltreated children in two social domains. *Journal of Applied Developmental Psychology*, 30, 43-52.
- Kincheloe, J. (1991). *Teachers as researchers: Qualitative paths to empowerment*. New York: Falmer.

Kincheloe, J. (2011). Key Works in Critical Pedagogy. *Bold Visions in Educational Research*,

32. (k. hayes, S. Steinberg, & K. Tobin, Eds.) Sense Publishers.

Kincheloe, J., & McLaren, P. (2002). Rethinking critical theory and qualitative research. In Y.

Zou, & T. E. (Henry) (Eds.), *Ethnography and Schools: Qualitative Approaches to the*

Study of Education (pp. 87-138). Lanham, Maryland: Rowman & Littlefield Publisher,

Inc.

Laub, J., & Sampson, R. (2001). Understanding Desistance From Crime. The University of

Chicago. Retrieved February 2016, from

[http://troublesofyouth.pbworks.com/f/laub%2Band%2Bsampson%2B-](http://troublesofyouth.pbworks.com/f/laub%2Band%2Bsampson%2B-%2Bunderstanding%2Bdesistance.pdf)

[%2Bunderstanding%2Bdesistance.pdf](http://troublesofyouth.pbworks.com/f/laub%2Band%2Bsampson%2B-%2Bunderstanding%2Bdesistance.pdf)

Laub, J., Nagin, D., & Sampson, R. (1998). Trajectories of Change in Criminal Offending: Good

Marriages and the Desistance Process. *American Sociological Review*, 63, 225-238.

Lazzeri, A. (2013, February 12th). Robert Thompson described every piece of James

Bulger's clothing... I knew then we had them. I had stared evil in the face. London:

The Sun. Retrieved May 2016, from

[https://www.thesun.co.uk/archives/news/494254/robert-thompson-described-](https://www.thesun.co.uk/archives/news/494254/robert-thompson-described-every-piece-of-james-bulgers-clothing-i-knew-then-we-had-them-i-had-stared-evil-in-the-face/)

[every-piece-of-james-bulgers-clothing-i-knew-then-we-had-them-i-had-stared-evil-](https://www.thesun.co.uk/archives/news/494254/robert-thompson-described-every-piece-of-james-bulgers-clothing-i-knew-then-we-had-them-i-had-stared-evil-in-the-face/)

[in-the-face/](https://www.thesun.co.uk/archives/news/494254/robert-thompson-described-every-piece-of-james-bulgers-clothing-i-knew-then-we-had-them-i-had-stared-evil-in-the-face/)

LeFrancois, B. (2008). "It's Like Mental Torture": participation and mental health services.

International Journal of Children's Rights, 211-227.

Lemerise, E., & Arsenio, W. (2000). An integrated model of emotion processes and cognition

in social information processing. *Child Development*, 71(1), 107-118.

- Leschied, A. (2000). Informing Young Offender Policy in Current Research: What the Future Holds. *Forum on Corrections Research*, 12(2), 36-39.
- Lipsey, M. (1995). What do we learn 400 research studies on the effectiveness of treatment with juvenile delinquents? In J. McGuire (Ed.), *What Works? Reducing Reoffending* (pp. 63-78). New York, New York: John Wiley.
- Lipsey, M. (1999). Can intervention rehabilitate serious delinquents? *The Annals [of the American Academy of Political and Social Science]*, 564(July), 142-166.
- Lipsey, M., & Wilson, D. (1998). Effective intervention for serious juvenile offenders: A synthesis of research. In R. Loeber, & D. Farrington (Eds.), *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions* (pp. 313-345). Thousand Oaks, California: Sage.
- Lipsey, M., Cahpman, G., & Landenberger, N. (2001). Cognitive-behavioral programs for offenders. *Annals of the American Academy of Political and Social Science*, 578, 144-157.
- Lipsey, M., Howell, J., Kelly, M., Chapman, G., & Carver, D. (2010). *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice*. Washington: Center for Juvenile Justice Reform.
- Loeber, R., & Farrington, D. (Eds.). (2001). *Child Delinquents: Development, Intervention and Service Needs*. Thousand Oaks, California: Sage.
- Ma, S. (2004). *Just Listen to Me: youth voices on violence*. Toronto: Office of Child and Family Service Advocay/Vpoices for Children.

Martinson, R. (1974). What Works? The Questions and Answers About Prison Reform.

Public Interest, 35, 22-54.

Maruna, S. (2001). *Making Good: How Ex-convicts reform and rebuild their lives*. Washington:

American Psychological Society.

Marutto, P., & Hannah-Moffat, K. (2005). Assembling Risk and the Restructuring of Penal

Control. *British Journal of Criminology*, 45, 1-17.

McGuire, J. (2002). Criminal Sanctions versus psychologically-based interventions with

offenders: A comparative empirical analysis. *Psychology, Crime and Law*, 8, 183-208.

McGuire, J., Kinderman, P., & Hughes, C. (2002). Offending Behaviour Programmes.

McIvor, G. (1990). *Sanctions for Serious or Persistent Offenders: A Review of the Literature*.

University of Stirling: Stirling: Social Work Research Centre.

McNeill, F. (2003). Desistance based practice. In W. Chui, & M. Nellis (Eds.), *Moving*

probation forward: Evidence, arguments and practice (pp. 146-162). Harlow:

Pearson Education.

Mertens, D. (2007). Transformative Paradigm: Mixed Methods and Social Justice. *Journal of*

Mixed Methods Research, 1(3), 212-225.

Michele Peterson-Badali, M. D. (2001). Youth Court Dispositions: Perceptions of Canadian

Juvenile Offenders. *International Journal of Offender Therapy and Comparative*

Criminology, 593-605.

Milkman, H., & Wanberg, K. (2007). *Cognitive-behavioural treatment: A review and discussion*

for Corrections Professionals. U.S. Department of Justice National Institute of

Corrections.

Minaker, J. C., & Hogeveen, B. (2009). *Youth, Crime, and Society: Issues of Power and Justice*.

Toronto: Pearson.

Ministry of Children and Youth Services. (2011). *Results-Based Plan Briefing Book 2011-*

2012. Government of Ontario.

Ministry of Children and Youth Services- Youth Justice Services Division. (2010). *A*

Relationship Custody Framework for Direct Operated Youth Justice Facilities. Toronto:

Government of Ontario.

Montell, F. (1999). Focus Group Interviews: A New Feminist Method. *NWSA*, 11(1), 44-71.

Moth, B., & Evans, N. (2011). Youth offenders. In K. McMaster, & D. Riley (Eds.), *Effective*

Interventions With Offenders- Lessons Learned (p. Chapter 11). HMA & Steele

Roberts.

Olver, M., Stockdale, K., & Wormith, J. (2011). A meta-analysis of predictors of offender

treatment attrition and its relationship to recidivism. *Journal of Consulting and*

Clinical Psychology, 79(1), 6-21.

Ontario Ministry of Education. (2012). Retrieved 04 15, 2012, from

<http://www.edu.gov.on.ca/eng/general/elemsec/quickfacts/2007->

[08/quickFacts07_08.pdf](http://www.edu.gov.on.ca/eng/general/elemsec/quickfacts/2007-08/quickFacts07_08.pdf)

Parrot, G. (2003). Positioning and emotions. In R. Harré, & F. Moghaddam (Eds.), *The self*

and others: Positioning individuals and groups in personal, political and cultural

contexts. London: Praeger.

Patterson, G. R. (1982). *Coercive family process*. Eugene, OR: Castalia Publishing Co.

- Patterson, G. R., & Forgatch, M. S. (n.d.). *Parents and adolescents: Living Together*. Eugene, OR: Castalia Publishing Co.
- Pearson, F., Lipton, D., Cleland, C., & Yee, D. (2002). The effects of behavioral/cognitive-behavioral programs on recidivism. *Crime and Delinquency*, 48(3), 476-496.
- Pepler, D., & Craig, W. (2007). *Binoculars on bullying: a new solution to protect and connect children*. PREVNet.
- Peterson-Badali, M., Ruck, M., & Koegl, C. (2001). Youth court dispositions: Perceptions of Canadian-juvenile offenders. *International Journal of Offender Therapy and Comparative Criminology*, 45(5), 593-605.
- Platt, M. (2013, September 2). Accused killer of boy, 6, too young to be charged. Calgary: Calgary Sun. Retrieved May 2016, from <http://www.niagarafallsreview.ca/2013/09/01/boy-taken-into-custody-in-six-year-olds-death>
- Polaschek, D. (2012). An appraisal of the risk–need–responsivity (RNR) model of offender rehabilitation and its application in correctional treatment. *Legal and criminological Psychology*, 17(1), 1-17.
- Polvere, L. (2011). Youth perspectives on restrictive mental health placement: unearthing a counter narrative. *Journal of Adolescent Research*, 26, 318–343.
- Polvere, L. (2014). Agency in Institutionalised Youth: a critical inquiry. *Children and Society*, 28, 182-193.
- Prior, D., & Mason, P. (2008). *Engaging Young People Who Offend*. University of Birmingham. Youth Justice Board. Retrieved May 2014, from

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/356204/Final_EYP_source.pdf

Prior, D., & Mason, P. (2010). A different kind of evidence: Looking for 'what works' in engaging young offenders. *Youth Justice*, 10(3), 211-226.

Provincial Advocate for Children and Youth. (2013). *"It depends on who's working." The Youth Reality at the Roy McMurtry Youth Centre*. Toronto: Office of the Provincial Advocate for Children and Youth.

Qvortrup, J. (2008). Microanalysis of Childhood. In P. Christensen, & A. James (Eds.), *Research With Children: Perspectives and Practices Section Edition* (pp. 66-86). London: Routledge Press.

Rathert, J., Fite, P., & Gaertner, A. (2011). Associations between effortful control, psychological control and proactive and reactive aggression. *Child Psychiatric Hum Dev*, 42, 609-621.

Raynor, P. (1988). *Probation as an Alternative to Custody*. Aldershot: Avebury.

Reid, J. (2015). Transforming Ontario's youth justice system to improve outcomes for youth. *IPAC Annual Conference 2015*. Toronto. Retrieved March 2016, from file:///C:/Users/Nadine/Downloads/adjudicated-miller-reid.pdf

Roberts, C. (1989). *Hereford and Worcester Probation Service Young Offender Project: First Evaluation Report*. Oxford: Department of Social and Administrative Studies, University of Oxford.

Robinson, G., & Crow, I. (2009). *Offender Rehabilitation: Theory, Research and Practice*. Los Angeles: Sage.

- Russell, N., & Tustin, L. (2010). *The Roy McMurtry Youth Centre: Summary of Advocacy Activities and Issues August 2009-February 2010*. Toronto: Office of the Provincial Advocate for Children and Youth for Ontario.
- Sampson, R., & Laub, J. (1993). *Crime in the making: Pathways and turning points through life*. Cambridge: Harvard University Press.
- Smith, R. (2009). Childhood, agency and youth justice. *Children and Society*, 23(4), 252-264.
- Sprott, J., Jenkins, J., & Doob, A. (2005). The importance of school. *Youth Violence and Juvenile Justice*, 3(1), 59-77.
- Statistics Canada. (n.d.). *Statistics Canada*. Retrieved 04 15, 2012, from <http://www.statcan.gc.ca/pub/89-628-x/89-628-x2008004-eng.htm>
- Stephens, S. (1995). *Children and the Politics of Culture in 'Late Capitalism'*. Princeton: Princeton University Press.
- Stetsenko, A., & Arievitch, I. (2004). The self in cultural-historical activity theory. *Theory and Psychology*, 14, 475-503.
- The International Cooperation Group. (2004). *The Evolution of Juvenile Justice in Canada*. Ottawa: The Government of Canada.
- Tremblay, R. (2002). The origins of youth violence. In L. Backman, & C. v. Hofsten (Eds.), *Psychology at the Turn of the Millenium* (Vol. 2). New York: Psychology Press.
- Tristan, J. (2013, Febryary 6). Henry Giroux: The Necessity of Critical Pedagogy in Dark Times. Global Education Magazine. Retrieved April 2016, from <http://truth-out.org/news/item/14331-a-critical-interview-with-henry-giroux> 14-09-28 Henry Giroux: The Necessity of Critical Pedagogy in Dark Times

- Tyyska, V. (2008). *Youth and Society: The Long and Winding Road* (2nd ed.). Toronto: Canadian Scholars' Press, Inc.
- Tyyska, V. (2014). *Youth and Society: The Long and Winding Road* (3rd ed.). Toronto: Canadian Scholars' Press, Inc.
- Ungar, M. (2013). The impact of youth-adult relationships on resilience. *International Journal of Child, Youth and Family Studies*, 3, 328-336.
- United Nations General Assembly. (1989, November 17). Adoption of a convention on the rights of the child. New York, NY: United Nations. (1989).
- von Hirsch, A. (1976). Doing justice: The choice of punishments. *Hill and Wang*.
- Vossekuil, B., Fein, R., Reddy, M., Borum, R., & Modeleski, W. (2002). *The final report and findings of the safe school initiative: Implications for the prevention of school attacks in the United States*. United States Secret Service and the United States Department of Education.
- Ward, T., & Maruna, S. (2007). *Rehabilitation: beyond the risk paradigm*. London: Routledge.
- Warner, R. (2005). *Youth on Youth: Grassroots Youth Collaborative on Youth Led Organizing in the City of Toronto*. Ottawa: Ontario Region of the Department of Heritage.
- Whyte, B. (2004). Effectiveness, research and youth justice. *Youth Justice*, 4(1), 3-21.
- Whyte, B. (2004). Effectiveness, research and youth justice. *Youth Justice*, 4(1), 3-21.
- Winsa, P. (2014, June 26). Self-defence training, protective equipment ordered for youth jail guards after attacks, union says. Toronto: thestar.com. Retrieved April 2016, from

https://www.thestar.com/news/crime/2014/06/26/selfdefence_training_protective_equipment_ordered_for_youth_jail_guards_after_attacks_union_says.html

Winterdyk, J., & Smandych, R. (Eds.). (2016). *Youth at Risk and Youth Justice: A Canadian Overview* (2nd ed.). Toronto: Oxford University Press.

Worrall, A. (2001). Girls at Risk? Reflections on Changing Attitudes to Young Women's Offending. *Probation Journal*, 48(2), 86-92.

Wray-Lake, L., Crouter, A., & McHale, S. (2010). Developmental patterns of decision-making autonomy across middle childhood and adolescence: European American parents' perspectives. *Child Development*, 636-651.

Yessine, A. (2011). *Risk factors for delinquency among Canadian youth: Current knowledge and future directions*. Ottawa: Public Safety Canada.

APPENDIX A

Child Development Institute
Centre for Children Committing Offences



Ethics Review Certificate

Project Title	Working title- 'Programming for Youth in Custody and What They Say About It' (Master's Thesis)
Principal Investigator	Dr. Voula Marinos- Brock University; Student Investigator- Nadine Wallace
Contact Information	vmarinos@brocku.ca nw10gg@brocku.ca

This project has been reviewed by the Research and Ethics Advisory Committee. This is to certify that the research project is consistent with the Child Development Institute's mandate and meets professionally accepted standards for research. As Chair of the Ethics Advisory Committee, on behalf of the constituent members, I declare that:

This proposal **IS** approved



This proposal Is **NOT** approved



A handwritten signature in black ink, appearing to be "M. J. ...", written over a horizontal line.

(Signature of Manager, Research & Evaluation)

_July 12th, 2013
(date)

APPENDIX B



SNAP® Youth Justice Model

Overview

The SNAP® Youth Justice (SNAP® YJ) project is based on a comprehensive implementation framework designed to develop, train, and support sustainable replication and evaluation of an intervention approach targeted to



reduce the risk of further contact with the law and/or gang membership. This project, funded by Justice Canada and Ontario's Ministry of Children and Youth Services (MCYS) Youth Justice Services Division (YJSD), engages males aged 12+ who are involved in the Youth Justice System in custody, probation and/or in the community. Child Development Institute (CDI) and YJSD have worked to expand the scope of this project to probation and community partners over the last year. Implementation of the SNAP® YJ program will include training Youth Justice System professionals, front line workers, and community partners in the award-winning evidence-based Stop Now and Plan (SNAP®) model which has been adapted for this high risk

population. SNAP®, a cognitive-behavioural therapeutic strategy, is designed to improve emotion regulation, self-control, and problem-solving skills.

The SNAP® technique, developed over the past 29 years, increases self-control and decreases delinquency. The SNAP® strategy involves learning to identify physiological responses (body cues) and emotional triggers (situations that make them angry or upset), calm your body and challenge cognitive distortions/thinking errors replacing with coping statements, in order to move forward and explore socially appropriate solutions/plans. Practice and consistent use of the strategy will result in increased emotional regulation, changing brain processes, and building confidence in prosocial choices. Program sessions will involve discussions, modelling, behavioural rehearsal/ role playing, practice exercises, in vivo learning opportunities, relaxation training; and digitally-based I-pad intervention modules. These modules focus on engaging youth in interesting and creative learning modules by providing real life scenarios designed to improve self-control, decision-making skills and pro-social skills.

Project Objectives:

- Assist youth in reducing recidivism/gang involvement;
- Enhance staff competency in supporting youth in utilizing SNAP® skills to increase impulse control and prosocial problem-solving;
- Conduct a formative implementation and impact evaluation-monitoring training, consultation, fidelity, and pre/post outcomes.

*Listen ..., you betta stop now
and think, pause take a second
before the judge tell you that
you need to learn a lesson*

SNAP Rap "Free-up"; Lyrics by K, T, & A

SNAP® YJ Model:

- Grounded in the principles of the core SNAP® Program;
- Client centered and practitioner informed in its development, design and delivery, enhancing overall effectiveness and engagement;
- Ecosystemic, using a multi-modal service approach, including group facilitation, one-one sessions and digital technology with interactive scenarios.
- Embedded in a comprehensive implementation framework across custody, probation and community so at-risk youth have an opportunity to engage in and continue receiving SNAP® and other

*"Like, ... How to deal with peer
pressure" "Don't be a follower, just be
yourself" "Being able to say no" "Oh,
yeah, ... helps you think before you
act" "Think about the pros and cons"*
—Youth in Custody Facility

APPENDIX C



SNAP for Youth in Custody

FOCUS GROUPS

Rationale:

- To find out the present issues that youth face.
- To find out what skills the youth would like to learn.
- To find out what approach would be most effective.

Note: Justice Canada Funded Project (08.12) Revised 12-10-31

Setting Up the Focus Group:

- The group will meet for 60 minutes. Timeframes (i.e., starting and ending) will be strictly honored.
- The group will contain no more than 8-10 participants.
- Group members can be selected randomly or intentionally. Either way, the selection method needs to be documented in the data analysis.
- The *goal* for group composition is to find individuals who are highly representative of the total (role-alike) population in the youth custody facility.
- Never mix supervisors and the people they supervise in the same group. The "power relationship" in a group must be as close to absolutely flat (i.e., peer) as possible. Likewise, avoid including individuals who might rein as "experts" on any particular subject of group conversation. If everyone is an "expert," that's ok...what you want to avoid is one person holding forth on a subject to the detriment of the entire conversation.
- Groups are conducted with two evaluators...one to ask the questions and the other to record actual conversation *and* his/her observations of group behavior.

Introduction: Good morning/afternoon!

- Thank you for taking the time to meet with us. We will honor your time by making sure that we wrap up in the next 60 minutes.
- Does anyone mind if we record this for our information? We won't share the recording with anyone – it will be destroyed once it's transcribed- no identifying information in our notes/reports.
- We are researchers under contract with Justice Canada who work for the Child Development Institute in Toronto and are doing some work to look at the kinds of programs and services that are available to youth in places like (facility)...
- Our primary focus is to get your input to help develop programming for youth in custody. We are trying to understand the types of programs that are helpful and the ways that a program we're developing could be better.
- The information you provide will help us decide what to include in our program.
- We need your input to help us develop a program that is useful to you, relevant and effective.
- Everything that you tell us is confidential. Your name is not written anywhere. The only time when we cannot keep the information confidential is if you tell us that you or someone else is at risk of being harmed – then we have to give that information to staff.
- Our focus groups will result in a written summary that will help inform the development of the SNAP for Youth in Custody program.
- Before we start we thought it would be important to share with you what SNAP is and how it got started and why we are here.
- It is up to you whether you want to talk with us and you can leave at any time (we may need to check this out with the facility).
- Any questions before we start? **Are you willing to continue in this focus group?**

☐ **No (youth should be allowed to leave).**

☐ **Yes, interviewer initials that the youth agreed**

Engagement and Content Questions:

1. Why do you think very young kids (under 12) get involved in crime?
2. What supports or resources (probe- what help) might have helped stop them get into trouble?
3. If there is one thing that you could have learned that would have prevented you from being here, what would it have been?
4. Do you think more can be done to stop youth crime? What can be done?
 - Do you feel police play a role? (in terms of stopping you from ending up in custody)
5. What do think are some of the biggest challenges or issues that you face today?
 - And Why?
6. What do you think is the impact of crime on youth?
 - Personally for you...?
7. Do you think youth want to avoid being involved in violence and crime?
8. What do you feel would help other youth from offending?
9. What programs do you like?
10. What programs don't you like?
11. What is it about them that you don't like?
12. Is it important for programming to take things like culture into consideration?
 - How could we do that? What do we need to include?
13. What do you think would get youth to participate in a program?
14. What do you think would get youth to willingly participate in a program?
 - And keep them participating ?

15. What types of things get you upset or mad?
16. What would stop youth from participating in a program?
17. What kind of program s or supports would you like to see here? What do you think is important to include in a program so you can relate to it?
18. How do you think the group should be run or facilitated? How do you think the program should look? (delivered)
 - a. In a group with discussion? (or individually or both); b) With the use of videos? Web-based?
 - c) Role plays? ; d) SMART BOARDS?
19. If you could teach other youth something that you feel is important to keep them out of trouble what would it be?

Setting Up the Youth Focus Group:

- The group will meet for 60 minutes. Timeframes (i.e., starting and ending) will be strictly honored.
- The group will contain no more than 8-10 participants.
- Group members can be selected randomly or intentionally. Either way, the selection method needs to be documented in the data analysis.
- The *goal* for group composition is to find individuals who are highly representative of the total (role-alike) population in the youth custody facility.
- Never mix supervisors and the people they supervise in the same group. The "power relationship" in a group must be as close to absolutely flat (i.e., peer) as possible. Likewise, avoid including individuals who might rein as "experts" on any particular subject of group conversation. If everyone is an "expert," that's ok...what you want to avoid is one person holding forth on a subject to the detriment of the entire conversation.
- Groups are conducted with two evaluators...one to ask the questions and the other to record actual conversation *and* his/her observations of group behavior.

Introduction: Good morning/afternoon!

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- We are researchers with the Child Development Institute in Toronto and are doing some work to look at the kinds of programs and services that are available to youth in places like (facility)...

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- Our focus groups will result in a written summary that will help inform the development of a program for youth in custody.
- It is completely up to you whether you want to talk with us and answer any of the questions.
- Any questions before we start?

Are you willing to continue in this focus group?

☐ **No (youth should be allowed to leave).**

☐ **Yes, interviewer initials that the youth agreed**

What name would you like to be called? (remember non identifying)